

**DISTRICT OF COLUMBIA
OFFICE ON AGING**

PUBLIC NOTICE

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2010 Senior Wellness Center Operations Grants

The Government of the District of Columbia, Office on Aging is soliciting applications from qualified applicants to operate four District of Columbia Government-owned senior wellness centers. Senior wellness centers promote healthy lifestyles, good nutrition, exercise, and general wellness among the District's elderly population, aged 60 and above.

A total of \$1,270,401.00 is available for funding one to four applicants to operate one or more senior wellness centers in the District of Columbia. Funding has been provided to the Office on Aging from both Federal and District appropriated funds.

Specifically, this Request for Application (RFA) will seek organizations to operate senior wellness centers in the following Ward locations.

Ward 4 – Hattie Holmes Senior Wellness Center
324 Kennedy Street N.W.
Washington D.C. 20011

Ward 5 – Model Cities Senior Wellness Center
1901 Evarts Street, NE
Washington, D.C. 20018

Ward 7 – Washington Senior Wellness Center
3001 Alabama Avenue, SE
Washington, DC 20020

Ward 8 – Congress Heights Senior Wellness Center
3500 Martin Luther King Jr. Avenue
Washington, D.C. 20032

The successful organization(s) will be responsible for providing services and activities designed to enhance physical, social and emotional well-being through activities which are designed to promote good health habits among the target population such as physical exercise, nutrition counseling, health education and smoking cessation.

Services for this population should include:

- Wellness/Health Promotion;
- Disease Prevention;
- Medication Management; and

other services and information which promote healthy lifestyles for seniors.

In addition, the operator of the senior wellness center has the following responsibilities:

1. Develop and implement a needs assessment to identify the needs in the target community;
2. Work in cooperation with the Office on Aging Ward-based Lead Agency and the Aging and Disability Resource Center (ADRC);
3. Develop and implement a structured community outreach program; and
4. Establish a Members Advisory Council to serve as advisors to help develop a coordinated service delivery system and community outreach.

Applicants who apply to this RFA must design services to meet the complex and ever-changing needs of the city's diverse elderly population, especially older individuals with the greatest economic and/or social needs, with particular emphasis on the low-income minority elderly. In addition, an applicant may apply for multiple grants in separate applications under this RFA.

Nonprofit organizations with places of business within the physical boundaries of the District of Columbia are eligible to apply. For profit organizations with places of business within the physical boundaries of the District of Columbia are also eligible to apply, but must not include profit in their grant application.

The RFA will be released on Monday, August 10, 2009, and the deadline for submission is Wednesday, September 1, 2009 at 5:00 p.m. A Pre-Application Conference will be held on Thursday, August 13, 2009, 10:00 a.m. until 12:00 noon at the D.C. Office on Aging, Conference Room 950 South. Applications can be obtained from the D.C. Office on Aging, 441 4th Street, NW, Suite 900 South, Washington, DC 20001. The RFA will also be available on the Office on Aging's website, www.dcoa.dc.gov and on the Office of Partnerships and Grants Development's website, www.opgd.dc.gov no later than August 10.

**OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS**

SUMMARY OF REGISTERED LOBBYISTS INFORMATION

The Director of Campaign Finance herewith publishes a summary of registered lobbyists' information submitted to the Office of Campaign Finance on or before August 15, 2009 by persons registered as lobbyists with the Director, pursuant to the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974, as amended, D.C. Official Code § 1-1105.04 (2001 Edition).

A person is required to register as a lobbyist with the Director of Campaign Finance on or before January 15th each year, or not later than 15 days after becoming a lobbyist, if such person receives compensation or expends funds in an amount of \$250 or more in any three (3) consecutive calendar month period for communicating directly with any official in the legislative or executive branch of the District of Columbia government with the purpose of influencing any legislative action or an administrative decision. D.C. Official Code §§ 1-1105.02 and 1-1105.04(a).

If information, pertaining to a lobbyist registered with the Office of Campaign Finance, is not contained herein and/or if a person requires additional information regarding District of Columbia lobbying statutes, please contact the Office of Campaign Finance, at 2000-14th Street, N.W., Suite 420, Washington, D.C., 20009 or telephone at (202) 671-0547.

DC OFFICE OF CAMPAIGN FINANCE

Summary of Registered Lobbyists: July, 2009

<i>Lobbyist ID</i>	<i>Lobbyist Name</i>	<i>Compensating Registrant</i>	<i>Registrant Date</i>
<i>Registrant Name</i>		<i>Address</i>	<i>July Date</i>
<i>Permanent Address</i>		<i>City, State and Zip</i>	
<i>City, State and Zip</i>		<i>Nature of Lobbying</i>	
LOBOOO092074	Holland & Knight LLP-Norman M. G	n/a	07/20/2009
1600 Maryland Ave., LLC			07/20/2009
4401 Wilson Blvd. Ste.600			
Arlington, VA 22203		Tax Abatement Legislation	
LOBOOO092037	Ellen Valentino-Benitez	7-Eleven, Inc.	04/21/2009
7-Eleven, Inc.		1722 Routh Street, Suite 1000	07/06/2009
1722 Routh Street, Suite 1000		Dallas, TX 75202	
Dallas, TX 75202		Bill 18-150	
LOBOOO090411	Louis C. Davis, Jr.	AARP	01/08/2009
AARP		601 E St.,NW	07/16/2009
601 E St., NW, Suite A1-200		Washington, DC 20049	
Washington, DC 20049		Health and Long Term Care	
LOBOOO091633	Robert M. Zinsmeister	ABC of Metro Washington	01/06/2009
ABC of Metro Washington	Eric Jones	4061 Powder Mill Road, #120	08/03/2009
4061 Powder Mill Road, #120		Calverton, MD 20705	
Calverton, MD 20705		Any activity impacting the construction	
LOBOOO091974	Paul Tummonds, Jr.	Adbo Development, LLC	01/09/2009
Abdo Development, LLC		1404 14th Street, NW, 2nd Floor	07/08/2009
1404 14th Street, NW, 2nd Floor		Washington, DC 20005	
Washington, DC 20005		Rea Estate	
LOBOOO090493	Kerry Pearson	ACS State & Local Solutions	01/06/2009
ACS State & Local Solutions	Max Brown	1800 M Street, NW	07/06/2009
1200 K St. NW		Washington, DC 20036	
Washington, DC 20005		Various Parking and Transportation Issues	

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LOBOOO091916	Eileen Filler-Corn	Adobe Systems Incorporated	12/15/2008
Adobe Systems Incorporated	Martin Guy Rohling	1776 Eye Street, NW, Suite 900	07/10/2009
1776 Eye Street, NW, Suite 900		Washington, DC 20006	
Washington, DC 20006		Software Solutions	
LOBOOO091818	Robert M. Willis, Esq	AFLAC	01/09/2009
AFLAC		1932 Wynnton Rd.,	07/08/2009
1200 G St., NW. Ste. 800		Columbus, GA 31999	
Washington, DC 20005			
LOBOOO091920	Martin Guy Rohling	Kool Smiles	01/16/2009
Albers & Company		400 Galleria Parkway, Suite 800	07/10/2009
1911 Fort Myer Drive, Suite 707		Atlanta, GA 30339	
Arlington, VA 22209		Dentistry and Medicaid	
LOBOOO091917	Eileen Filler-Corn	Adobe Systems Incorporated	12/15/2008
Albers & Company	Martin Guy Rohling	1776 Eye Street, NW, Suite 900	07/10/2009
1911 North Fort Meyer Drive, Suite 707		Washington, DC 20006	
Arlington, VA 22209		Software Solutions	
LOBOOO092009	Martin Guy Rohling	DaVita	02/17/2009
Albers & Company		1155 15th Street, NW, Suite 1100	07/10/2009
1911 North Fort Myer Drive, Suite 707		Washington, DC 20005	
Arlington, VA 22209		Issues with Dialysis	
LOBOOO091922	Martin Guy Rohling	Eli Lilly and Company	02/17/2009
Albers & Company		555 12th Street, NW, Suite 550	07/10/2009
1911 North Fort Myer Drive, Suite 707		Washington, DC 20004	
Arlington, VA 22209		Pharmaceutical Issues	
LOBOOO092018	Martin Guy Rohling	IMS Health Incorporated	01/12/2009
Albers & Company		660 West Germantown Pike	07/10/2009
1911 North Fort Myer Drive		Plymouth Meeting, PA 19462	
Arlington, VA 22209		Pharmaceuticals Issues	

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LOBOOO091347	Frank D. Boston, III	Altria Client Services, Inc. and its	03/31/2009
Altria Client Services, Inc. and its	Mary Eva Candon	Affiliates	07/14/2009
Affiliates	Sean M. Collins	101 Constitution Ave, NW Suite	
101 Constitution Avenue, NW,		400-W	
Suite 400-W		Washington, DC 20001	
Washington, DC 20001		Manufacturer of tobacco products	
LOBOOO091569	William N. Hall (Winston & Strawn, L	American Chemistry Council	07/10/2009
American Chemistry Council	Andreas Leskovsek (Winston & Str	1300 Wilson Blvd	07/20/2009
(Roger Bernstein)		Arlington, VA 22209	
1300 Wilson Blvd.		D.C. Green Building Act	
Arlington, VA 22209		Legislation	
LOBOOO090443	Barnes, Johnny	General membership dues	01/09/2009
American Civil Liberties Union of	Spitzer, Arthur	1400 20th St., NW. #119	07/09/2009
the National Capital Area	Block, Stephen	Washington, DC 20036	
1400 20th St., NW, #119	Haines, Donald		
Washington, DC 20036			
LOBOOO090482	Joann Waiters	American Council of Life Insurers	01/12/2009
American Council of Life Insurers		101 Constitution Avenue, NW,	07/10/2009
101 Constitution Avenue, NW,		Suite 700	
Suite 700		Washington, DC 20001	
Washington, DC 20001		Matters pertaining to life	
		insurance	
LOBOOO091741	Jocelyn Rogers	American Heart Association	01/12/2009
American Heart Association		4301 North Fairfax Drive, Suite	07/10/2009
4301 North Fairfax Drive, Suite 530		530	
Arlington, VA 22203		Arlington, VA 2203	
		Public Health Initiatives	
LOBOOO091846	Robert M. Willis, Esq.	American International Group,	01/09/2009
American International Group, Inc.		Inc.	07/07/2009
70 Pine Street 34th Floor		70 Pine Street, 34th Floor	
New York, NY 10270		New York, NY 10270	
		Insurance, legislation and	
		regulatory matters	
LOBOOO092053	Brett O. Greene	Lottery Technology Enterprises	07/10/2009
American Management		2101 Martin Luther King, Jr. Ave.,	
Corporation		SE	
1330 Geranium Street, NW		Washington, DC 20020	
Washington, DC 20012		Online Gaming	

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LOB000091427	Ellen Valentino-Benitez	American Petroleum Institute	01/09/2009
American Petroleum Institute		1220 L Street, NW	07/08/2009
1220 L Street, NW		Washington, DC 20005	
Washington, DC 20005		Distribution of petroleum	
LOB000091983	James Dyke Jr.	American Promotional Events	01/15/2009
American Promotional Events		4511 Helton Drive	07/08/2009
4511 Helton Drive		Florence, AL 35630	
Florence, AL 35630			
LOB000090708	Donald L. Myers	American University	01/13/2009
American University		4400 Massachusetts Avenue,	07/06/2009
4400 Massachusetts Avenue, NW		NW	
Washington, DC 20016		Washington, DC 20016	
LOB000091775	Deron Johnson	AMGEN	01/12/2009
AMGEN		555 13th Street, NW. Suite 600	07/08/2009
555 13th Street, NW. Suite 600		West	
West		Washington, DC 20004	
Washington, DC 20004		Pharmaceuticals/biotechnology issues	
LOB000090770	Wilmot, David	Anheuser Busch Companies, Inc.	12/22/2008
Anheuser Busch Companies, Inc.		1401 I Street, NW, Ste. 200	07/09/2009
1401 I Street NW Ste 200		Washington, DC 20005	
Washington, DC 20005			
LOB000090802	W. Shaun Parr	Apartment & Ofc. Building Assoc.	01/13/2009
Apartment & Ofc. Building Assoc.	Nicola Whiteman	of Metro. Wash.	07/13/2009
of Metro. Wash.	Margaret Jeffries	1050 17th Street NW. Ste 300	
1050 17th St. NW Ste. 300		Washington, DC 10025	
Washington, DC 20036			
LOB000091982	James Dyke Jr.	Apollo Group/ University of	01/16/2009
Apollo Group/ University of		Phoenix	07/08/2009
Pheonix		4025 S. Riverpoint Pkwy. MS	
4025 S. Riverpoint Pkwy., MS		CF-KX10	
CF-KX10		Phoenix, AZ 85040	
Phoenix, AZ 85040			

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LOBOOO091991	Holland & Knight LLP, Norman M. G	Archstone	01/26/2009
Archstone		2345 Crystal Drive, Suite 1100	07/20/2009
2345 Crystal Drive, Suite 1100,		Arlington, VA 22202	
Arlington, VA 22202			
LOBOOO091985	Richard Newman	National Association of Student	01/12/2009
Arent Fox LLP		Personnel Administrators	07/10/2009
1050 Connecticut Avenue, NW		1875 Connecticut Avenue, NW,	
Washington, DC 20036		Suite 418	
		Washington, DC 20009	
		Bond Financing	
LOBOOO091693	Sean Glynn	The Methodist Home of the	01/12/2009
Arent Fox LLP	Patrick Neal	District of Columbia	07/10/2009
1050 Connecticut Avenue, NW		4901 Connecticut Avenue, NW	
Washington, DC 20036		Washington, DC 20008	
		Seeking bond approval	
LOBOOO091952	Stephen D. Kahn	SOME, Inc.	01/12/2009
Arent Fox LLP	Patrick Neal	60 O Street, NW	08/10/2009
1050 Connecticut Avenue, NW		Washington, DC 20036	
Washington, DC 20036		Bond Approval	
LOBOOO091955	Stephen D. Kahn	Lucy Webb Hayes Nat'l Training	01/12/2009
Arent Fox LLP	Eve Corbin	School for Deaconess &	07/10/2009
1050 Connecticut Avenue, NW		Missionaries	
Washington, DC 20036		5255 Loughboro Rd, NW	
		Washington, DC 20036	
		Seeking Bond Approval	
LOBOOO091958	Richard A. Newman	American College of Cardiology	01/12/2009
Arent Fox LLP	Patrick Neal	Foundation	07/10/2009
1050 Connecticut Ave., NW.		2400 N St., NW.	
Washington, DC 20036		Washington, DC 20037	
LOBOOO091902	Sean Glynn, Esq.	St. John's College High School	01/12/2009
Arent Fox LLP	Patrick Neal, Esq.	2607 Military Road, NW.	07/10/2009
1050 Connecticut Ave., NW.		Washington, DC 20015	
Washington, DC 20036			

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LOBOOO091725	Richard Newman, Arent Fox LLP	Washington Drama Society, Inc.	01/12/2009
Arent Fox LLP	Jon Bouker, Arent Fox LLP	1101 6th Street, SW	07/10/2009
1050 Connecticut Avenue, NW	Patrick Neal, Esq. Arent Fox LLP,	Washington, DC 20024	
Washington, DC 20036		Authorization of bond financing	
LOBOOO091928	Sean Glynn, Esq.	Central Union Mission	01/12/2009
Arent Fox LLP	Keith Styles, Esq.	1350 R Street NW	07/10/2009
1050 Connecticut Ave NW	Morgan Foster, Esq.	Washington, DC 20009	
Washington, DC 20036			
LOBOOO091930	Craig Engle, Arent Fox LLP	Capital Area Regional Center	01/12/2009
Arent Fox LLP	Jon Bouker, Arent Fox LLP	888 Sixteenth Street NW	07/10/2009
1050 Connecticut Ave NW		Washington, DC 20006	
Washington, DC 20036			
LOBOOO091938	Richard A. Newman, Arent Fox LLP	American Society of Hermatology	01/12/2009
Arent Fox LLP	Patrick Neal, Esq., Arent Fox LLP	1900 M Street NW Suite 200	07/10/2009
1050 Connecticut Ave NW		Washington, DC 20036	
Washington, DC 20036			
LOBOOO091943	Jon Bouker, Esq.	Forest City Enterprise	01/12/2009
Arent Fox LLP	Richard Newman, Esq.	1615 L St., NW. Ste.400	07/10/2009
1050 Connecticut Ave., NW.		Washington, DC 20036	
Washington, DC 20036			
LOBOOO092026	Kinley Bray	The Vision of Victory Community	03/31/2009
Arent Fox LLP/Kinley Bray		Dev. Corp.	08/10/2009
1050 Connecticut Avenue, NW		2498 Alabama Avenue, SE	
Washington, DC 20036		Washington, DC 20020	
		Support for tax exempt legislation	
LOBOOO091458	Craig Engle	Golf Course Specialists, Inc.	01/12/2009
Arent Fox PLLC		972 Ohio Drive, SW	07/10/2009
1050 Connecticut Avenue, NW		Washington, DC 20024	
Washington, DC 20036		Golf Course Operations	

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LOB000090555	Newman, Richard	Corcoran Gallery of Art	01/12/2009
Arent Fox PLLC	Jon Bouker	500 Seventeenth Street NW.	07/10/2009
1050 Connecticut Ave. NW		Washington, DC 20006	
Washington, DC 20036			
LOB000091904	Richard A. Newman, Arent Fox LLP	The Washington Center for	01/12/2009
Arent Fox PLLC	Patrick Neal, Arent Fox LLP	Internships and Academic	01/29/2009
1050 Connecticut Ave., NW.		Seminars	
Washington, DC 20036		1333 16th St., NW.	
		Washington, DC 20036	
LOB000091403	Stephen Kahn	Georgetown University	01/12/2009
Arent Fox PLLC	Eve Corbin	37th & O Street, NW	07/10/2009
1050 Connecticut Avenue, NW		Washington, DC 20057	
Washington, DC 20036		Bond Financing	
LOB000091809	Craig Engle, Arent Fox, LLP	MacFarlane-Chang DC Soccer,	01/12/2009
Arent Fox, LLP	Jon Bouker, Arent Fox, LLP	LLC	07/10/2009
1050 Connecticut Ave NW		RFD Stadium; 2400 East Capitol	
Washington, DC 20036		Street SE	
		Washington, DC 20003	
LOB000090816	David L. Goldblatt	CSX Corporation	01/09/2009
Arnold & Porter	Stephen Flippin	500 Water Street, 15th Floor	07/02/2009
555 12th Street, NW		Jacksonville, FL 32202	
Washington, DC 20004		Hazmat transportation issues	
LOB000090761	Cynthia Giordano	Tregaron Limited Partnership	01/09/2009
Arnold & Porter LLP		Finkle& Ross LLP, 600 Old	07/02/2009
555 Twelfth St. NW		Country Road Ste.435	
Washington, DC 20004		Garden City, NY 11530	
LOB000090822	Goodwin, Michael	Washington Boat Lines, Inc.	01/09/2009
Arnold & Porter LLP		1025 Thomas Jefferson Street,	07/02/2009
555 12th Street, NW		NW, Ste. 302W	
Washington, DC 20004		Washington, DC 20007	
		General Matters	

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LOBOOO091636	David Goldblatt, Arnold & Porter LL	District of Columbia Building,	01/09/2009
Arnold & Porter LLP		Industry Association	07/02/2009
555 Twelfth Street NW		5100 Wisconsin Ave NW	
Washington, DC 20004		Washington, DC 20016	
LOBOOO090791	Mark DiMaio	AstraZeneca Pharmaceuticals LP	01/30/2009
AstraZeneca Pharmaceuticals LP		1800 Concord Pike 70C	07/01/2009
1800 Concord Pike 70C		Wilmington, DE 19850	
Wilmington, DE 19850			
LOBOOO090729	Kelly Hobbs	Bank of America	12/29/2008
Bank of America		1100 North King Street DE5	07/07/2009
1100 North King Street, DE5		Wilmington, DE 19884	
Wilmington, DE 19884		Banking & Financial services industries	
LOBOOO091378	Joseph Cleary	Bayer Healthcare LLC	01/06/2009
Bayer Healthcare LLC		555 White Plains Road	07/06/2009
555 White Plains Road		Tarrytown, NY 10591	
Tarrytown, NY 10591		Pharmaceuticals and Healthcare	
LOBOOO091628	Charles Coates	Bearing Point	01/07/2009
Bearing Point	Max Brown	1676 International Drive	
1676 International Drive		McLean, VA 22102	
McLean, VA 22102		Management & Technology Consulting	
LOBOOO091973	Lee Bechtel	Association of Surgical	01/07/2009
Bechtel Associates		Technologists	06/17/2009
8506 Sundale		6 West Dry Creek Circle, #2	
Silver Spring, MD 20910		Littleton, CO 80120	
		Health Occupations Revisions Act	
LOBOOO092016	Matthew Sheffield	Boehringer Ingelheim	03/11/2009
Boehringer Ingelheim		Pharmaceuticals, Inc.	07/09/2009
Pharmaceuticals		1970 Northwestern Avenue	
1970 Northwestern Avenue		Stillwater, MN 55082	
Stillwater, MN 55082		Pharmaceuticals Issues	

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LOBOOO091908	Bruce Bereano	DC Comt. to Protect & Preserve	01/26/2009
Bruce C. Bereano		Indpt. Gasoline& Auto Repair	08/10/2009
191 Duke of Gloucester		Stations	
Annapolis, MD 21401		P.O. Box 5825	
		Washington, DC 20016	
LOBOOO091898	Bruce C. Bereano	American Academy of	01/26/2009
Bruce C. Bereano		Ophthalmology	08/10/2009
191 Duke of Gloucester Street		1101 Vermont Avenue, NW, Suite	
Annapolis, MD 21401		700	
		Washington, DC 20005	
		Legislation B17-0801	
LOBOOO091899	Bruce C. Bereano	Washington DC Metropolitan	01/26/2009
Bruce C. Bereano		Ophthalmological Society	08/10/2009
191 Duke of Gloucester Street		1145 19th Street, NW	
Annapolis, MD 21401		Washington, DC 20036	
		B017-0801 Health Occupations	
LOBOOO091969	Bruce C. Bereano	Office Movers, Inc.	01/06/2009
Bruce C. Bereano		6500 Kane Way	08/10/2009
191 Duke of Gloucester Street		Elkridge, MD 21075	
Annapolis, MD 21401		Public Schools Contracts	
LOBOOO090412	Wayne O'Dell	Cable Telecommunications	01/09/2009
Cable Telecommunications		Association of MD, DE, DC	
Association of MD, DE, DC		2530 Riva Road Ste., 316	
2530 Riva Road- Ste., 316		Annapolis, MD 21401	
Annapolis, MD 21401		Cable TV Industry	
LOBOOO092000	Holland & Knight LLP, Norman M. G	Camden Development, Inc.	01/26/2009
Camden Development, Inc.		1420 Spring Hill Road, Suite 200	07/20/2009
1420 Spring Hill Road, Suite 200		McLean, VA 22102	
McLean, VA 22102		Tax Abatement Legislation	
LOBOOO091931	Craig Engle, Arent Fox LLP	Capital Area Regional Center	01/12/2009
Capital Area Regional Center	Jon Bouker, Arent Fox LLP	888 Sixteenth Street, NW	07/10/2009
888 Sixteenth Street NW		Washington, DC 20006	
Washington, DC 20006			

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LOBOOO090484	Kevin Chavous	CareFirst BlueCross BlueShield	01/09/2009
CareFirst BlueCross BlueShield	Jeff Trammell	10455 Mill Run Circle	07/10/2009
10455 Mill Run Circle	Andrew Marks	Owings Mill, MD 21117	
Owings Mill, MD 21117	Chet Burrell	Health Insurance	
	Carla Diggs Smith		
	Maria Tildon		
LOBOOO092022	John Ladd	United Psychiatric Group	04/22/2009
Carmen Group Inc.	David Carmen	3215 Cathedral Avenue, NW	07/10/2009
1919 Pennsylvania Avenue, NW		Washington, DC 20008	
Washington, DC 20006		Medicaid Reimbursement	
LOBOOO092030	William Signer	Specialty Hospitals of America	04/01/2009
Carmen Group Inc.	Aron Griffin	LLC	07/10/2009
1919 Pennsylvania Avenue, NW,	John Ladd	700 Constitution Avenue, NE	
5th Floor	David Carmen	Washington, DC 20002	
Washington, DC 20006		Advocate on Healthcare	
LOBOOO092006	John Ladd	Columbia 2401, LLC	02/13/2009
Carmen Group Incorporated	David Carmen	67 Park Place East, 8th Flr.	07/10/2009
1919 Pennsylvania Avenue, NW,		Morristown, NJ 07960	
5th Flr.		Real Estate	
Washington, DC 20006			
LOBOOO091412	Margo Wootan	Center for Science in the Public	01/13/2009
Center for Science in the Public	Michelle Forman	Interest	07/09/2009
Interest		1875 Connecticut Avenue, NW,	
1875 Connecticut Avenue, NW,		Suite 300	
Suite 300		Washington, DC 20009	
Washington, DC 20009		Nutrition Labeling	
LOBOOO091927	Sean Glynn, Esq.	Central Union Mission	01/12/2009
Central Union Mission	Keith Styles, Esq.	1350 R Street, NW	07/10/2009
1350 R Street NW	Morgan Foster, Esq.	Washington, DC 20009	
Washington, DC 20009			
LOBOOO090059	Jacqueline Bowens	Childrens National Medical	01/09/2009
Childrens National Medical Center	Tim Jones	Center	
111 Michigan Avenue	Clare Kelly	111 Michigan Avenue, NW	
Washington, DC 20010		Washington, DC 20010	
		Health Care Issues	

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LOB000091946		Christian Science Committee	01/06/2009
Chris Wye		and Publication	06/17/2009
723 Independence Ave., SE.		723 Independence Ave., SE.	
Washington, DC 20003		Washington, DC 20003	
LOB000090435	Pohlman, Robert	Coalition for Non Profit Housing	01/28/2009
Coalition for Non Profit Housing &		& Economic Development	08/10/2009
Economic Development		5 Thomas Circle, NW, Suite 209	
1432 U Street, NW, 1st Floor		Washington, DC 20012	
Annex			
Washington, DC 20009			
LOB000091954	James Dyke Jr.	Compass Group	01/22/2009
Compass Group		2346 Coventry Court	07/22/2009
2346 Coventry Court		Emmaus, PA	
Emmaus, PA 18049			
LOB000090845	Jon Bouker	Corcoran Gallery of Art	01/12/2009
Corcoran Gallery of Art	Richard Newman	500 17th Street NW	07/13/2009
500 17th Street NW		Washington, DC 20006	
Washington, DC 20006		Funding for The Millennium Arts	
		Center.	
LOB000090393	Wiley, Jeremy	Corrections Corp. of America	01/12/2009
Corrections Corp. of America	Frederick Cooke	10 Burton Hills Blvd.	07/10/2009
10 Burton Hills Blvd.	Max Brown	Nashville, TN 37215	
Nashville, TN 37215		Correction Institutions	
LOB000092041	Jana S. Leslie	Council On State Taxation	05/12/2009
Council on State Taxation		122 C Street, NE, Ste. 330	07/27/2009
122 C Street, NW, Ste. 330		Washington, DC 20001	
Washington, DC 20001		Certain Tax proposals	
LOB000091406	Roderic Woodson	Coventry First	02/05/2009
Coventry First	Douglas Patton	7111 Valley Green Road	07/21/2009
7111 Valley Green Road		Fort Washington, PA 19034	
Fort Washington, PA 19034		Insurance	

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LOBOOO091442	Andrew Marks	Care First (Group Hospitalization & Medical Services, Inc.)	07/21/2009
Crowell & Moring LLP		840 First Street, NE	07/09/2009
1001 Pennsylvania Ave., NW		Washington, DC 20065	
Washington, DC 20004		Health	
LOBOOO091862	Norman Glasgow	CS Master V, L.L.C.	01/26/2009
CS Master V, L.L.C.	Christy Shiker	2 Bethesda Metro Center, Suite 220	07/20/2009
2 Bethesda Metro Center, Suite 220		Bethesda, MD 20814	
Bethesda, MD 20814		Proposed Legislation	
LOBOOO090706	Robert W. Shinn	CSX Corporation	01/09/2009
CSX Corporation	David Goldblatt	500 Water Street, 15th Floor	07/02/2009
500 Water Street, 15th Floor	Stephen Flippin	Jacksonville, FL 32202	
Jacksonville, FL 32202		Hazmat transportation issues	
LOBOOO092036	K. Dane Snowden	CTIA- The Wireless Association	05/14/2009
CTIA- The Wireless Association	James Schuler	1400 16th Street, NW, Suite 600	07/07/2009
1400 16th Street, NW, Suite 600		Washington, DC 20036	
Washington, DC 20036		Wireless taxes and regulation	
LOBOOO091685	Michael Ayotte	CVS Caremark Corp.	01/09/2009
CVS Caremark Corp./	Roderic Woodson	1300 I Street, NW, #525 West	07/20/2009
Ext.07/20/2009	Sloan Consulting, LLC	Washington, DC 20005	
1300 I Street,NW, #525 West		Pharmacy Issues	
Washington, DC 20005			
LOBOOO091685	Michael Ayotte	CVS Caremark Corp.	01/09/2009
CVS Caremark Corp./	Roderic Woodson	1300 I Street, NW, #525 West	07/20/2009
Ext.07/20/2009	Sloan Consulting, LLC	Washington, DC 20005	
1300 I Street,NW, #525 West			
Washington, DC 20005			
LOBOOO091653	Ronald G. Jackson	Archdioces of Washington	01/15/2009
D.C. Catholic Conference	Michael Scott	P.O. Box 29260	07/13/2009
5001 Eastern Avenue		Washington, DC 20017	
Hyattsville, MD 20785		Budget, Education, Finance	

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LOBOOO092060 D.C. Catholic Conference Archdiocese of Washington 5001 Eastern Ave., Hyattsville, MD 20735	Douglas J. Patton	Oldaker, Biden, Belair 818 Connecticut Ave., NW. Washington, DC 20006	07/11/2009
LOBOOO090396 D.C. Chartered Health Plan, Inc. 1025 15th St., NW. Washington, DC 20005	John Tina Ang	D.C. Chartered Health Plan, Inc. 1025 15th St., NW, Washington, DC 20005 Health care services	01/12/2009
LOBOOO091520 D.C. Economic Empowerment Coalition, Inc. 3632 Georgia Avenue, NW Washington, DC 20011	Holland & Knight Theodore Trabue	D.C. Economic Empowerment Coalition, Inc. 3632 Georgia Avenue, NW Washington, DC 20011 Minority Business Opportunities	01/26/2009 07/20/2009
LOBOOO091354 DAG Petroleum Suppliers, Inc. 6820 Commercial Drive Springfield, VA 22041	John Ray Tina Ang	DAG Petroleum Suppliers, Inc. 6820 Commercial Drive Springfield, VA 22041 Amoco's divested assets	01/14/2009
LOBOOO090695 David W. Wilmot, Esq. 1420 N Street, NW Washington, DC 20005	Wilmot, David	Anheuser Busch Companies, Inc. 1776 Eye Street, NW, Suite 200 Washington, DC 2006	01/12/2009 07/09/2009
LOBOOO090773 David W. Wilmot 1420 N Street, NW, Suite 10 Washington, DC 20005	Wilmot, David	AT&T c/o Mr. J. Michael Shweder, President 192 W. State St. Trenton, NJ 08608	01/12/2009 07/09/2009
LOBOOO090780 David W. Wilmot, Esq 1420 N Street, NW, Suite 10 Washington, DC 20005	Wilmot, David	Hotel Association of Washington, DC Inc. 1201 New York Ave.NW Ste. 601 Washington, DC 20005	01/12/2009 07/09/2009

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LOBOOO090785 David W. Wilmot, Esq. 1420 N Street, NW, Suite 10 Washington, DC 20005	Bagwell, Andrea	District of Columbia Association of Health Maint. Organizations(DCHMO) 1010 Vermont Ave. NW. Ste. 810 Washington, DC 20005	01/12/2009 07/09/2009
LOBOOO091385 David W. Wilmot, Esq. 1420 N Street, NW, Suite 10 Washington, DC 20005	David W. Wilmot	Wal-Mart Stores Inc. 575 7th Street, NW Washington, DC 20004 Wal-Mart Stores	01/12/2009 07/09/2009
LOBOOO091244 David W. Wilmot, Esq. 1420 N Street, NW, Suite 10 Washington, DC 20005	N/A	Pharmaceutical Research and Manufactures of America (PHRMA) 1100 15th Street, NW, Ste. 900 Washington, DC 20001 Pharmaceutical Research	01/12/2009 07/09/2009
LOBOOO090776 David W. Wilmot, Esq. 1420 N Street, NW Washington, DC 20005	Wilmot, David	Comcast Cable Communications, Inc. c/o Kathy Etemad 900 Michigan Ave. NE. Washington, DC 20004	07/23/2009 07/09/2009
LOBOOO092008 DaVita 1155 15th Street, NW, Suite 1100 Washington, DC 20005	Martin Guy Rohling	DaVita 1155 15th Street, NW, Suite 1100 Washington, DC 20005 Issues with Dialysis	02/17/2009
LOBOOO090501 DC Association of Beverage Alcohol Wholesalers 1008 Pennsylvania Avenue Washington, DC 20003	N/A	DC Association of Beverage Alcohol Wholesalers 1008 Pennsylvania Avenue, NW Washington, DC 20003 Legislation affecting the beer, wine & spirits industry	01/09/2009 07/02/2009
LOBOOO092057 DC Catholic Conference Archdiocese of Washington 5001 Eastern Ave., Hyattsville, MD 20735	Douglass Patton	Oldaker, Biden, Belair 818 Connecticut Ave., NW. Washington, DC 20006	07/14/2009

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LOBOOO090734	Malson, Robert	DC Hospital Association	01/13/2009
DC Hospital Association	Stefanie Jones	1250 Eye Street, NW, Suite 700	07/09/2009
1250 Eye Street, NW, Ste. 700		Washington, DC 20005	
Washington, DC 20005		Health Care	
LOBOOO091637	David Goldblatt, Arnold & Porter LL	District of Columbia Building	01/09/2009
District of Columbia Building		Industry Association	07/02/2009
Industry Association		5100 Wisconsin Ave NW	
5100 Wisconsin Ave NW		Washington, DC 20016	
Washington, DC 20016			
LOBOOO090480	Wiley Rein LLP/Lawrence Mirel	District of Columbia Insurance	01/12/2009
District of Columbia Insurance		Federation	07/16/2009
Federation		P.O. Box 34757	
P.O. Box 34757		Washington, DC 20043	
Washington, DC 20043		Insurance Issues	
LOBOOO092021	John Ray	Dominion Electric Supply	03/25/2009
Dominion Electric Supply	Tina Ang	Company, Inc.	06/24/2009
Company, Inc.		5053 Lee Highway	
5053 Lee Highway		Arlington, VA 22207	
Arlington, VA 22207		Electricity	
LOBOOO092070	Norman M. Glasgow, Jr. Holland & K	N/A	07/20/2009
Donatelli Development			07/20/2009
7200 Wisconsin Ave. Suite 310			
Bethesda, MD 20814		Tax Abatement Legislation	
LOBOOO091921	Martin Guy Rohling	Eli Lilly and Company	02/17/2009
Eli Lilly and Company		555 12th Street, NW, Suite 650	07/10/2009
555 12th Street, NW, Suite 650		Washington, DC 20004	
Washington, DC 20004		Pharmaceutical Issues	
LOBOOO092038	Ellen Valentino-Benitez	7-Eleven Inc.	04/21/2009
Ellen Valentino-Benitez		1722 Routh Street	07/06/2009
30 Pinkney Street		Annapolis, MD 21401	
Annapolis, MD 21401		Bill 18-150	

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LOB000090204	Ellen Valentino-Benitez	MD-DE-DC Soft Drink Assoc.	01/09/2009
Ellen Valentino-Benitez		3 Church Circle, Suite 201	07/06/2009
12 Francis Street		Annapolis, MD 21401	
Annapolis, MD 21401		Issues affecting soft drink industry	
LOB000090204	Ellen Valentino-Benitez	MD-DE-DC Soft Drink Assoc.	01/09/2009
Ellen Valentino-Benitez		3 Church Circle, Suite 201	07/06/2009
12 Francis Street		Annapolis, MD 21401	
Annapolis, MD 21401			
LOB000091537	None	MD/DE/DC Press Association	01/09/2009
Ellen Valentino-Benitez		2191 Defense Highway, Suite	07/06/2009
176A Main Street,		300	
Annapolis, MD 21401		Crofton, MD 21114	
LOB000091415		American Petroleum Institute	01/09/2009
Ellen Valentino-Benitez		1220 L Street NW	07/08/2009
30 Pinkney St.		Washington, DC 20005	
Annapolis, MD 21401		Petroleum Industry	
LOB000091502	The Kerry S. Pearson LLC	Enhanced Capital Partners, LLC	01/12/2009
Enhanced Capital Partners, LLC		201 St. Charles Street, Suite	08/06/2009
201 St. Charles Avenue, Suite		3700	
3700		New Orleans, LA 70170	
New Orleans, LA 70170		Government Affairs Consulting	
LOB000091942	Kevin P. Chavous	Enterprise Leasing Company	01/13/2009
Enterprise Leasing Company	Meredith Irvin	2 Research Place, Suite 300	07/09/2009
2 Research Place, Suite 300		Rockville, MD 20850	
Rockville, MD 20850			
LOB000091327	Max Brown	Entertainment Software	12/16/2008
Entertainment Software		Association	07/09/2009
Association		317 Madison Avenue, 22nd Flr.	
317 Madison Avenue, 22nd Floor		New York City, NY 10017	
New York City, NY 10017		Anti-video game legislation	

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LOBOOO092068		American Insurance Association	07/15/2009
Eric Matthew Goldberg		2101 L St., NW #400	07/15/2009
6616 Radnor Rd.		Washington, DC 20037	
Bethesda, MD 20817			
LOBOOO091837	Pascal & Weiss	Florida Avenue Market Merchants	01/09/2009
Florida Avenue Market Merchants		and Property Owners	07/02/2009
and Property Owners Association,		Association, Inc.	
Inc.		1008 Pennsylvania Avenue, SE	
1008 Pennsylvania Avenue, SE		Washington, DC 20003	
Washington, DC 20003			
LOBOOO091837	Pascal & Weiss	Florida Avenue Market Merchants	01/09/2009
Florida Avenue Market Merchants		and Property Owners	07/02/2009
and Property Owners Association,		Association, Inc.	
Inc.		1008 Pennsylvania Avenue, SE	
1008 Pennsylvania Avenue, SE		Washington, DC 20003	
Washington, DC 20003		Re-Development	
LOBOOO091446	Jon Bouker	Forest City Enterprises	01/12/2009
Forest City Enterprises	Craig Engle	1615 L Street, NE, Suite 400	07/10/2009
1615 L Street, NW	Richard Newman	Washington, DC 20036	
Washington, DC 20036		Federal Center Project	
LOBOOO090768	Brown, Max	Forge Companies	01/09/2009
Forge Companies		1050 Thomas Jefferson Street,	07/06/2009
1050 Thomas Jefferson Street,		NW, Ste. 100	
NW, Ste 100		Washington, DC 20007	
Washington, DC 20007			
LOBOOO090481	N/A	Philip Morris U.S.A. Inc by its	01/08/2009
Frank D. Boston, III		Service Company, Altria Client	07/06/2009
2002 Clipper Park Rd. Ste. 108		Services, Inc.	
Baltimore, MD 21211		P.O. Box 26603	
		Richmond, VA 23261	
		Tobacco Products	
LOBOOO090098		Elevator Industry Work	01/08/2009
Frank D. Boston, III		Preservation	07/06/2009
2002 Clipper Park Rd. Ste. 108			
Baltimore, MD 21211		Elevator licensing Issues	

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LOBOOO091895	Frank D. Boston, III	MillerCoors, LLC	01/08/2009
Frank D. Boston, III		1355 Peachtree Street, NE, 1250	07/06/2009
2002 Clipper Park Road, Suite		Atlanta, GA 30309	
108		Single Served Beer, Bottle Tax,	
Baltimore, MD 21211		etc.	
LOBOOO092055	Steve Proctor	American Chemistry Council	07/10/2009
G.S. Proctor & Associates	J. Darrell Carrington	1300 Wilson Blvd,	07/10/2009
14408 Old Mill Road, Suite 201		Alexandria, VA 22209	
Upper Marlboro, MD 20772		Anacostia Watershed Protection	
		Act of 2009	
LOBOOO090403	Machell Hamlin	Government Employees	01/12/2009
GEICO	Larry Hinton	Insurance Company	07/02/2009
1 Geico Plaza		One Geico Plaza	
Washington, DC 20076		Washington, DC 20076	
		Property and Casualty Insurance	
LOBOOO091491	Oldaker Belair & Wittie LLP	General Motors Corporation	07/13/2009
General Motors Corporation		25 Massachusetts Avenue, NW,	
25 Massachusetts Avenue, Suite		Ste. 400	
400		Washington, DC 20001	
Washington, DC 20001		Automotive Issues & Policy	
LOBOOO091384	Stephen Kahn	Georgetown University	01/14/2009
Georgetown University	Eve Corbin	37th & O Street, NW	07/10/2009
200 Healy Hall, Box 571241	Carmen Group Inc.	Washington, DC 20057	
Washington, DC 20057		Bond Financing	
LOBOOO091976	Maureen Dwyer	Georgetown University Law	01/09/2009
Georgetown University Law Center		Center	07/10/2009
600 New Jersey Avenue, NW		600 New Jersey Avenue, NW	
Washington, DC 20001		Washington, DC 20001	
		Real Estate	
LOBOOO091727	John Ray	Georgia Avenue Investment	02/17/2009
Georgia Avenue Investment	Tina Ang	Partners, LLC	
Partners, LLC		1300 Picard Drive, Suite 106	
1300 Picard Drive, Suite 106		Rockville, MD 20850	
Rockville, MD 20850		Repurchase price land in DC	

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LOBOOO091624	Barry F. Scher	Giant of Maryland LLC	01/09/2009
Giant of Maryland LLC		8301 Professional Pl., Suite 115	07/21/2009
8301 Professional Place, Suite 115		Landover, MD 20785	
Landover, MD 20785			
LOBOOO091811	Jan Burrus	Glaxo Smith Kline	02/19/2009
Glaxo Smith Kline		5 Moore Drive	07/10/2009
S Moore Drive,		R.T.P., NC 27709	
R.T.P., NC 27709		Pharmaceutical Research & Manufacturer	
LOBOOO091811	Jan Burrus	Glaxo Smith Kline	02/19/2009
Glaxo Smith Kline		5 Moore Drive	07/10/2009
S Moore Drive,		R.T.P., NC 27709	
R.T.P., NC 27709		Pharmaceutical Research & Manufacturer	
LOBOOO091470	Craig Engle	Golf Course Specialists, Inc.	01/12/2009
Golf Course Specialists, Inc.		972 Ohio Drive, SW	07/10/2009
972 Ohio Drive, SW		Washington, DC 20024	
Washington, DC 20024		Management of Golf Course in DC	
LOBOOO091843	Roderic Woodson	Green Builders Council of D.C., Inc.	01/26/2009
Green Builders Council of D.C., Inc.		4200 Wisconsin Avenue, NW	07/20/2009
4200 Wisconsin Avenue, NW, Ste. 200		Washington, DC 20016	
Washington, DC 20016		Social action	
LOBOOO092004	Abraham J. Greenstein	Apartment and Office Building	02/10/2009
Greenstein DeLorme & Luchs, P.C.	Vincent Mark Policy	Assoc. of Metro. Wash.	07/09/2009
1620 L Street, NW, Suite 900	Richard W. Luchs	1050 17th Street, NW, Suite 300	
Washington, DC 20036		Washington, DC 20036	
		Real Estate, housing, taxation & other subjects	
LOBOOO091373	Max Brown	Bearing Point	01/07/2009
Group 360 LLC		1676 International Drive	08/05/2009
718 7th Street, NW, Suite 310		McLean, VA 22102	
Washington, DC 20001		Technology	

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LOBOOO091664	Max Brown	Public Consulting Group	01/06/2009
Group 360 LLC		919 18th Street, NW, Suit 450	07/07/2009
718 7th Street, NW, Suite 310		Washington, DC 20006	
Washington, DC 20001		Revenue Maximization/Medicaid	
LOBOOO091801	Max Brown	Sprint/Nextel	01/06/2009
Group 360, LLC		2001 Edmund Halley Drive	07/07/2009
718 7th Street NW Suite 310		Reston, VA 20191	
Washington, DC 20001			
LOBOOO090441	Brown, Max	Medstar Health	01/06/2009
Group 360, LLC		5565 Sterrett Place	07/07/2009
718 78th Street, NW		Columbia, MD 21044	
Washington, DC 20001		Healthcare	
LOBOOO091349	Max Brown	Entertainment Software	01/06/2009
Group 360, LLC		Association	07/07/2009
718 7th Street, NW, Ste.,310		317 Madison Avenue, 22nd Flr.	
Washington, DC 20001		New York, NY 10022	
		Advocate on software and	
		hardware	
LOBOOO090819	Brown, Max	PEPCO, Inc.	01/06/2009
Group 360, LLC		701 9th Street, NW	07/07/2009
717 7th Street, NW Ste.#310		Washington, DC 20068	
Washington, DC 20001		Utility business	
LOBOOO090687	Brown, Max	ACS	01/06/2009
Group 360, LLC		1200 K Street, NW	07/07/2009
718 7th Street, NW, Suite 310		Washington, DC 20005	
Washington, DC 20001		ACS	
LOBOOO090650	Brown, Max	Forge Companies	01/06/2009
Group 360, LLC		1050 Thomas Jefferson Street,	07/07/2009
718 7th Street, NW, Suite 310		NW, Ste. 100	
Washington, DC 20001		Washington, DC 20007	

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LOBOOO091844	Max Brown	Corrections Corporation of	01/06/2009
Group 360, LLC		America	07/07/2009
718 7th Street, NW. Suite 310		4444 North Capitol St., NW. Suite	
Washington, DC 20001		601	
		Washington, DC 20001	
		General Matters	
LOBOOO091950	Max Brown	MTM Inc.	01/06/2009
Group 360, LLC		16 Hawk Ridge Dr.	07/07/2009
718 7th Street NW. Suite 310,		Lake St Louis, MO 63367	
Washington, DC 20001			
LOBOOO092033	James Dyke	Harris Teeter	04/01/2009
Harris Teeter		701 Crestdale Drive	07/22/2009
701 Crestdale Drive		Matthews, NC 28105	
Matthews, NC 28105		Harris Teeter	
LOBOOO091956	James Dyke Jr.	Hess-Construction &	01/22/2009
Hess Construction & Engineering		Engineering Services	07/22/2009
Services		804 West Diamond Ave., Ste. 300	
804 West Diamond Ave., Ste. 300		Gaithersburg, MD 20878	
Gaithersburg, MD 20878			
LOBOOO092019	Roderic Woodson, Holland and Kni	Tompkins Builders	03/06/2009
Holland & Knight		1110 Vermont Avenue, NW, Suite	07/20/2009
2099 Pennsylvania Avenue, NW		200	
Washington, DC 20006		Washington, DC 20005	
		Business Issues affecting the	
		industry	
LOBOOO092001	Norman M. Glasgow, Jr.	Camden Development, Inc.	01/26/2009
Holland & Knight LLP		1420 Spring Hill Road, Suite 200,	07/20/2009
2099 Pennsylvania Ave NW Suite		McLean, VA 22102	
100		Tax Abatement Legislation	
Washington, DC 20001			
LOBOOO090606	Douglas J. Patton, Roderic L. Wood	Miller & Long Concrete	01/26/2009
Holland & Knight LLP		Construction Company	07/10/2009
2099 Pennsylvania Ave NW. Suite		4824 Rugby Ave.	
100		Bethesda, MD 20814	
Washington, DC 20006			

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<i>City, State and Zip</i>		<i>Nature of Lobbying</i>	
LOB000092010	Roderic Woodson	CVS Caremark	02/19/2009
Holland & Knight LLP		1300 I Street, NW, Suite 535	07/20/2009
2099 Pennsylvania Avenue, NW		West	
Washington, DC 20006		Washington, DC 20005	
		Retail Pharmaceutical Industry	
LOB000091686	Roderic Woodson	Providence Hospital	01/26/2009
Holland & Knight LLP		1150 Varnum Street, NE	07/20/2009
2099 Pennsylvania Avenue, NW		Washington, DC 20017	
Washington, DC 20006		Health Care	
LOB000091990	Norman M. Glasgow, Jr.	Archstone	01/26/2009
Holland & Knight LLP		2345 Crystal Drive, Suite 1100	07/20/2009
2099 Pennsylvania Ave, NW, Suite		Arlington, VA 22202	
100			
Washington, DC 20001			
LOB000091995	Norman M. Glasgow, Jr.	Level 2 Development, LLC	01/26/2009
Holland & Knight LLP		1612 U Street, NW Suite 401	07/20/2009
2099 Pennsylvania Ave, NW Suite		Washington, DC 20009	
100		Tax Exemption Legislation	
Washington, DC 20001			
LOB000091996	Norman M. Glasgow, Jr.	Midatlantic Realty Partners	01/26/2009
Holland & Knight LLP		1133 21st Street, NW. Suite 720	07/20/2009
2099 Pennsylvania Ave NW, Suite		Washington, DC 20036	
100		Tax Abatement Legislation	
Washington, DC 20001			
LOB000091998	Norman M. Glasgow, Jr.	NoMa West Residential I, LLC	01/26/2009
Holland & Knight LLP		6110 Executive Boulevard, Suite	07/20/2009
2099 Pennsylvania Ave NW, Suite		315,	
100		Rockville, MD 20852	
Washington, DC 20001		Tax Abatement Legislation	
LOB000091839	Norman Glasgow	CS Master V, LLC	01/26/2009
Holland & Knight LLP		2 Bethesda Metro Center, Suite	07/20/2009
2099 Pennsylvania Avenue, NW,		220	
Suite 100		Bethesda, MD 20814	
Washington, DC 2006		Proposed Legislation	

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LOB000091477	Roderic Woodson	Coventry First	01/26/2009
Holland & Knight LLP	Lloyd Jordan	7111 Valley Green Road	07/20/2009
2099 Pennsylvania Avenue, NW,		Fort Washington, PA 19034	
Suite 100		Insurance	
Washington, DC 20006			
LOB000091992	Norman M. Glasgow, Jr.	Georgetown Strategic Capital	01/26/2009
Holland & Knight LLP		3323 P Street, NW	07/20/2009
2099 Pennsylvania Ave, NW Suite		Washington, DC 20007	
100			
Washington, DC 20001			
LOB000091135	Glasgow, Norman	P.N. Hoffman, Inc.	01/26/2009
Holland & Knight LLP		4725 Wisconsin Ave. NW. Ste.	07/20/2009
2099 Pennsylvania Ave. NW.		200	
Washington, DC 20006		Washington, DC 20016	
		Alley Closing Legislation	
LOB000091763	Roderic Woodson, Holland & Knig	Rent-A-Center, Inc.	01/26/2009
Holland & Knight LLP		5700 Tennyson Parkway, 4th	07/20/2009
2099 Pennsylvania Avenue, NW		Floor	
Washington, DC 20006		Plano, TX 75024	
		Legislative and regulatory	
		matters	
LOB000091420	Douglass Patton	D.C. Economic Empowerment	01/26/2009
Holland & Knight LLP	Roderic Woodson	Coalition, Inc.	07/20/2009
2099 Pennsylvania Avenue, NW		P. O. Box 1278	
Washington, DC 20006		Sterling, VA 20167	
		Labor and employment matters	
LOB000092069	Norman M. Glasgow, Jr., Holland &	Donatelli Development	07/20/2009
Holland & Knight LLP		7200 Wisconsin Ave, Suite 300,	07/20/2009
2099 Pennsylvania Ave NW		Bethesda, MD 20814	
Washington, DC 20006		Tax Abatement Legislation	
LOB000092073	Norman M. Glasgow- Holland & Kn	1600 Maryland Ave., LLC	07/20/2009
Holland & Knight LLP		4401 Wilson Blvd. Ste.600	07/20/2009
2099 Pennsylvania Ave., NW.		Arlington, VA 22203	
Ste.100		Tax Abatement Legislation	
Washington, DC 20006			

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LOB000092075	Kyrus L. Freeman-Holland & Knight	Washington Sports &	07/20/2009
Holland & Knight LLP		Entertainment	07/20/2009
2099 Pennsylvania Ave., NW		601 F St., NW.	
Washington, DC 20006		Washington, DC 20006	
		Alley Closing Legislation	
LOB000092071	Norman M. Glasgow, Jr.	Neighborhood Development	07/20/2009
Holland & Knight LLP	Kyrus L. Freeman	Company, LLC	07/20/2009
2099 Pennsylvania Ave., NW.		4110 Kansas Ave., NW.	
Ste.100		Washington, DC 20011	
Washington, DC 20006		Alley closing legislation	
LOB000091875	Roderic L. Woodson, Esq., Holland	Green Builders Council of DC.,	01/26/2009
Holland & Knight, LLP		Inc.	07/20/2009
2099 Pennsylvania Ave. NW.		4200 Wisconsin Ave. NW. Suite	
Washington, DC 20006		100	
		Washington, DC 20016	
LOB000092049	Roderic L. Woodson	American Chemistry Council	07/09/2009
Holland & Knight, LLP		1300 Wilson Blvd. Suite 800	07/20/2009
2099 Pennsylvania Ave NW. Suite		Arlington, VA 22209	
100		District of Columbia legislative	
Washington, DC 20006			
LOB000090733	Emily Durso	Hotel Association of Washington,	01/15/2009
Hotel Association of Washington,	Wilmot, David	DC, Inc.	06/30/2009
D.C., Inc.		1201 New York Avenue, NW, Ste.	
1201 New York Avenue, NW, Ste		601	
601		Washington, DC 20005	
Washington, DC 20005		Hotel Industry	
LOB000091850	Doug Patton	Imperial Finance & Trading	01/08/2009
Imperial Finance & Trading		701 Park Commerce Blvd, Ste.	07/10/2009
701 Park of Commerce Blvd, Ste.		301	
301		Boca Raton, FL 33487	
Boca Raton, FL 33487		Insurance	
LOB000092017	Marting Guy Rohling	IMS Health Incorporated	04/01/2009
IMS Health Incorporated	John Ray	660 West Germantown Pike	07/10/2009
660 West Germantown Pike	Tina Ang	Plymouth Meeting, PA 19462	
Plymouth Meeting, PA 19462		Pharmaceuticals Issues	

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LOB000090731		D.C. Legal	01/08/2009
James E. Nathanson		1615 New Hampshire Ave., NW.	07/08/2009
1625 16th Street, NW, #501		3rd Flr.	
Washington, DC 20009		Washington, DC 20009	
LOB000091968	n/a	Life Lock, Inc.	01/12/2009
James Hamilton		60 E. Rio Salado PKWY	07/08/2009
PO Box 13326		Tempe, AZ 85281	
Phoenix, AZ 85002			
LOB000091659	George Irving	Johnson & Johnson	01/08/2009
Johnson & Johnson		One Corporate	06/25/2009
12070 Dancliff Tr.		New Brunswick, NJ 08898	
Alpharetta, GA 30004		Health Care, Taxation	
LOB000091414	David Julyan	Washington Parking Association	01/12/2009
Julyan & Julyan Ltd.		666 11th Street, NW, Suite 300	07/09/2009
666 Eleventh Street, NW, #655		Washington, DC 20001	
Washington, DC 2001		Parking Operators	
LOB000091437	John Ray	K Street Developers LLC	01/26/2009
K Street Developers LLC	Tina Ang	2701 Tower Oaks Blvd- Suite	07/20/2009
2701 Tower Oaks Blvd, Suite 200		Rockville, MD 20852	
Rockville, MD 20852		Alley Closing	
LOB000091948	Oldaker, Biden & Belair, LLP	Kaplan Fox & Kilsheimer LLP	01/01/2009
Kaplan Fox & Kilsheimer LLP			06/21/2009
850 Third Ave., 14th Flr.			
New York, NY 10022			
LOB000091918	Martin Guy Rohling	Kool Smiles	01/06/2009
Kool Smiles		400 Galleria Parkway, Suite 900	07/10/2009
400 Galleria Parkway		Atlanta, GA 30339	
Atlanta, GA 22209		Dentistry and Medicaid	

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LOBOOO092007	Cathy Landau-Painter	KPMG LLP	02/18/2009
KPMG LLP		2001 M Street, NW	07/08/2009
2001 M Street, NW		Washington, DC 20036	
Washington, DC 20036		Accountancy Legislation	
LOBOOO091994	Holland & Knight, Norman M. Glasgo	Level 2 Development, LLC	01/26/2009
Level 2 Development, LLC		1612 U Street, NW	07/20/2009
1612 U Street NW Suite 401		Washington, DC 20009	
Washington, DC 20009		Tax Exemption Legislation	
LOBOOO090075	John Ray	Liberty Limited Partnership	02/17/2009
Liberty Limited Partnership		3341 Benning Road, NE	08/10/2009
3341 Benning Rd. NE		Washington, DC 20019	
Washington, DC 20019		re: Gasoline station locations by DAG petroleum	
LOBOOO090415		Lloyd N. Moore, Jr.	01/06/2009
Lloyd N. Moore, Jr.		P.O. Box 18921	07/09/2009
P.O.Box 18921		Washington, DC 20036	
Washington, DC 20036		Energy, Telecommunications, General Legislative	
LOBOOO091953	Stephen Kahn	Lucy Webb Hayes Nat'l Training	01/12/2009
Lucy Webb Hayes Nat'l Training	Eve Corbin	School for Deaconess &	07/10/2009
School for Deaconess &		Missionaries	
Missionaries		5255 Loughboro Road, NW	
5255 Loughboro Road, NW		Washington, DC 20016	
Washington, DC 20016		Bond Approval	
LOBOOO091808	Craig Engle, Arent Fox, LLP	MacFarlane-Chang DC Soccer,	01/12/2009
MacFarlane-Chang DC Soccer,	Jon Bouker, Arent Fox, LLP	LLC	07/10/2009
LLC		2400 East Capitol Street, SE	
RFK Stadium, 2400 East Capitol		Washington, DC 20003	
Street SE			
Washington, DC 20003			
LOBOOO090077	John Ray	Liberty Limited Partnership	01/12/2009
Manatt Phelps & Phillips	Margaret Gentry	3341 Benning Road, NE	07/10/2009
700 12th Street, NW		Washington, DC 20019	
Washington, DC 20005		Gasoline service locations	

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LOB000091644	John Ray,Manatt, Phelps & Phillips	D.C. Chartered Health Plan, Inc.	01/12/2009
Manatt, Phelps & Phillips	Tina Ang,Manatt,Phelps & Phillips	1025 15th Street NW	07/10/2009
700 12th Street NW		Washington, DC 20005	
Washington, DC 20005			
LOB000091353	John Ray	DAG Petroleum Suppliers, Inc.	01/12/2009
Manatt, Phelps & Phillips	Tina Ang	6820 Commercial Drive	07/10/2009
700 12th Street, NW		Springfield, VA 22041	
Washington, DC 20005		Amoco's divested assets	
LOB000091631	John Ray	Rhode Island Avenue Metro, LLC	01/12/2009
Manatt, Phelps & Phillips	Tina Ang	8403 Colesville Road , Suite 400	07/10/2009
700 12th Street, NW		Silver Spring, MD 20910	
Washington, DC 20005			
LOB000090615	Ray, John	Thompson, Cobb, Bazilio &	01/12/2009
Manatt, Phelps & Phillips	Ang, Tina	Associates	07/10/2009
700 12th Street, NW, Suite 100		1101 15th Street, NW	
Washington, DC 20005		Washington, DC 20005	
LOB000091457	John L. Ray	Lowe Enterprises Real Estate	01/12/2009
Manatt, Phelps & Phillips	Tina Ang	Group-East, Inc.	
700 12th Street NW		11777 San Vicente Blvd-Suite	
Washington, DC 20005		900	
		Los Angeles, CA 90049	
LOB000091522	John Ray (Manatt, Phelps & Philli	Capper Carrollsburg Venture,	01/12/2009
Manatt, Phelps & Phillips	Tina Ang (Manatt, Phelps & Phillips	LLC	
700 12th Street, NW - Suite 1100		8403 Colesville Road, Suite 400	
Washington, DC 20005		Silver Spring, MD 20910	
		Real Estate Developer	
LOB000091745	John L. Ray, Manatt, Phelps & Phil	Georgia Ave Investments	01/12/2009
Manatt, Phelps & Phillips, LLP	Tina Ang,Manatt,Phelps & Phillips	Partners, LLC	
700 12th Street NW Suite 1100		1300 Piccard Dr. Suite 106	
Washington, DC 20005		Rockville, MD 20850	

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LOB000091924 Manatt, Phelps & Phillips, LLP 700 12th Street NW, Suite 1100 Washington, DC 20005	John L. Ray Tina Ang	Dominion Electric Supply Company, Inc. 5053 Lee Highway Arlington, VA 22207	01/12/2009
LOB000091815 Manatt, Phelps & Phillips, LLP 700 12th Street, NW, Ste. 1100 Washington, DC 20005	John Ray Tina Ang	Sang Oh Development, LLC 300- A Morse Street, NE Washington, DC 20002 Real Estate Developer	01/12/2009 07/10/2009
LOB000091940 Manatt, Phelps & Phillips, LLP 700 12th Street, N.W. Suite 1100 Washington, DC 20005	John L. Ray Tina Ang	Square 3942 Limited Partnership 1701 Olive Street Capitol Heights, MD 20743	01/12/2009 07/10/2009
LOB000091816 Manatt, Phelps & Phillips, LLP 700 12th Street, NW, Ste. 1100 Washington, DC 20005	John Ray Tina Ang	Cafritz Foundation 1825 K Street, NW, suite 1100 Washington, DC 20006 Real Estate Transaction	01/12/2009 07/10/2009
LOB000091870 Manatt, Phelps & Phillips, LLP 700 12th St., NW. Ste. 1100 Washington, DC 20005	John L. Ray Tina Ang	IMS Health 660 West Germantown Pike Plymouth Meeting, PA 19462	01/12/2009 08/10/2009
LOB000091923 Manatt, Phelps & Phillips, LLP 700 12th Street NW. Suite 1100 Washington, DC 20005	Marvin O. Morris	Washington Boat Lines, Inc. 1025 Thomas Jefferson St, NW Suite 302 Washington, DC 20007	01/12/2009 07/10/2009
LOB000091981 Manatt, Phelps & Phillips, LLP 700 12th St., NW. Ste.1100 Washington, DC 20005	John L. Ray Tina Ang Marvin O. Morris	New town Development Partners, LLC 60 Columbus Circle, 20th Floor New York, NY 10023	01/26/2009 07/10/2009

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LOB000092011	Noah Mamker	Marijuana Policy Project	03/09/2009
Marijuana Policy Project		P.O. Box 77492	07/13/2009
P.O. Box 77492		Washington, DC 20013	
Washington, DC 20013		Marijuana Policy Reform	
LOB000090652	N/A	Philip Morris USA Inc. by its	02/17/2009
Mary Eva Candon		service company Altria Client	07/14/2009
2122 California Street, NW		Services, Inc.	
Washington, DC 20008		P.O. Box 26603	
		Richmond, VA 23261	
LOB000091963	James Dyke Jr.	Thompson Hospitality	01/12/2009
McGuireWood LLP		505 Huntmar Park Drive	07/08/2009
1750 Tysons Blvd. Ste. 1800		Herndon, VA 20170	
McLean, VA 22102			
LOB000091964	James Dyke Jr.	Compass Group	01/12/2009
McGuireWood LLP		2346 Coventry Court	07/08/2009
1750 Tyson Blvd. Ste. 1800		Emmaus, PA 18049	
McLean, VA 22102			
LOB000091965	James Dyke Jr.	Harris Teeter	01/12/2009
McGuireWood LLP		701 Crestdale Drive	07/08/2009
1750 Tysons Blvd. Ste. 1800		Matthews, NC 28105	
McLean, VA 22102			
LOB000091962	James Dyke Jr.	Hess Construction Company	01/12/2009
McGuireWoods LLP		804 West Diamond Ave., Ste. 300	07/08/2009
1750 Tysons Boulevard, Ste 1800		Gaithersburg, MD 20878	
McLean, VA 22102			
LOB000091966	James Dyke Jr.	Smithfield Foods	01/12/2009
McGuireWoods LLP		PO Box 49	07/08/2009
1750 Tysons Blvd. Ste. 1800		Clinton, NC 28329	
McLean, VA 22102			

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LOBOOO091961	James Dyke Jr.	Apollo Group-University of	01/12/2009
McGuireWoods, LLP		Phoenix	07/22/2009
1750 Tysons Blvd. Ste. 1800		4615 East Elwood St., Mail Stop:	
McLean, VA 22102		10-0040	
		Phoenix, AZ 85040	
LOBOOO091960	James Dyke Jr.	American Promotional Events	01/12/2009
McGuireWoods LLP		4511 Helton Dr.	07/08/2009
1750 Tysons Boulevard, Suite		Florence, AL 35630	
1800			
McLean, VA 22102			
LOBOOO091536	Ellen Valentino-Benitez	MD/DC/DE Press Association	01/09/2009
MD/DC/DE Press Association	John Murphy	2191 Defense Highway, Suite	06/06/2009
2191 Defense Highway, Suite 300		300	
Crofton, MD 21114		Crofton, MD 21114	
		Sale and Distribution	
LOBOOO090744	Valentino-Benitez, Ellen	MD-DE DC Soft Drink Association	01/09/2009
MD-DE DC Soft Drink Association		3 Church Circle, #201	07/02/2009
3 Church Circle #201		Annapolis, MD 21401	
Annapolis, MD 21401			
LOBOOO091239	Andrew Friedell	Medco Health Solutions, Inc.	01/13/2009
Medco Health Solutions, Inc.		19520 Yellow Wing Court	07/09/2009
19520 Yellow Wing Court		Colorado Springs, CO 80908	
Colorado Springs, CO 80908		Pharmacy and health care	
		issues	
LOBOOO090732	K. Edward	Medical Society of DC	01/05/2009
Medical Society of DC		1115 30th Street NW Suite 100	07/09/2009
1115 30th Street NW, Suite 100		Washington, DC 20007	
Washington, DC 20007			
LOBOOO091805	Nancy Bukar	MedImmune, LLC.	01/06/2009
MedImmune, LLC.		271 Yachting Road	06/29/2009
271 Yachting Road		Lexington, SC 29072	
Lexington, SC 29072		Pharmaceutical	

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LOB000091501	Carmen Group, Inc.	Medstar Health	01/09/2009
Medstar Health	Group 360	5565 Sterrett Place, 5th Floor	07/10/2009
5565 Sterrett Place, 5th Fl	Julyan & Julyan	Columbia, MD 21044	
Columbia, MD 21044		Health Care	
LOB000091509	J.R. Clark	Merck and Company, Inc.	01/12/2009
Merck and Company, Inc.	Tamera Brown	770 Sumneytown Pike	07/10/2009
WP39-447, 770 Sumneytown Pike		West Point, PA 19486	
West Point, PA 19486		Health Issues	
LOB000091506	Michael Cooper	Metropolitan Wash. Airport Auth.	07/08/2009
Metropolitan Wash. Airport Auth.		1 Aviation Circle	07/08/2009
1 Aviation Circle, MA-14		Washington, DC 20001	
Washington, DC 20001		Homeland Security & Airport Ops.	
LOB000091997	Holland & Knight LLP Norman M. G	Mid-Atlantic Realty Partners	01/26/2009
Mid-Atlantic Realty Partners		1133 21st Street, NW, Suite 720	07/20/2009
1133 21st Street, NW Suite 720		Washington, DC 20036	
Washington, DC 20036		Tax Abatement Legislation	
LOB000091643	Douglas J. Patton	Miller & Long Co. Inc.	01/26/2009
Miller & Long Co. Inc.		4824 Rugby Ave	07/10/2009
4824 Rugby Avenue,		Bethesda, MD 20814	
Bethesda, MD 20814			
LOB000091643	Douglas J. Patton	Miller & Long Co. Inc.	01/26/2009
Miller & Long Co. Inc.		4824 Rugby Ave	07/10/2009
4824 Rugby Avenue,		Bethesda, MD 20814	
Bethesda, MD 20814			
LOB000091889	Frank D. Boston, III	MillerCoors, LLC	01/06/2009
MillerCoors LLC		250 South Wacker Dr.	07/09/2009
300 Galleria Parkway, Ste.1800		Chicago, IL 60606	
Atlanta, GA 30339		Sales, Distribution and Marketing	

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LOBOOO091972	Max Brown	MTM	01/12/2009
MTM		16 Hawk Ridge Dr, Lake St.	07/08/2009
16 Hawk Ridge Dr. Lake St.		St. Louis, MO 63367	
St. Louis, MD 63367			
LOBOOO091570		Comcast	01/08/2009
N. William Jarvis		900	07/08/2009
2600 Virginia Ave., NW. Suite 701		Washington, DC 20017	
Washington, DC 20037		Comcast	
LOBOOO092052	N/A	NextG Networks, Inc.	07/09/2009
N. William Jarvis		5902 Mount Eagle Drive, Suite	
2600 Virginia Ave NW Suite 701		1517	
Washington, DC 20037		Alexandria, VA 22303	
		Regulatory, permitting and	
		Legislative	
LOBOOO091859	Richard Newman	National Academy of Sciences	01/12/2009
National Academy of Sciences	Eve Corbin	2101 Constitution Avenue, NW	07/10/2009
2101 Constitution Avenue, NW		Washington, DC 20418	
Washington, DC 20418		Bond	
LOBOOO091906	Richard A. Newman, Arent Fox LLP	National Association of Student	01/12/2009
National Association of Student		Personnel Administrators	07/10/2009
Personnel Administrators		1875 Connecticut Avenue, NW,	
1875 Connecticut Ave., NW.		Suite 418	
Ste.418		Washington, DC 20009	
Washington, DC 20036		Seeking Bond Approval	
LOBOOO090921	Hall, William	National Paint & Coatings	01/12/2009
National Paint & Coatings		Association	07/10/2009
Association		1500 Rhode Island Avenue, NW	
1500 Rhode Island Ave. NW.		Washington, DC 20005	
Washington, DC 20005			
LOBOOO091810	Lars Kristiansen	Nationwide Insurance	02/04/2009
Nationwide Insurance		7125 Columbia Gateway Dr.,	07/02/2009
7125 Columbia Gatewat Dr. Ste.		Ste.350	
350		Columbia, MD 21046	
Columbia, MD 21046		Insurance	

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LOBOOO091712	Adam S. Peer	Nat'l Ass'n of Professional	01/13/2009
Nat'l Ass'n of Professional		Employer Organizations	07/10/2009
Employer Organizations		707 North St. Asaph Street	
707 North St. Asaph Street		Alexandria, VA 22314	
Alexandria, VA 22314		Legislation B17-0197"Paid sick	
		and Safe Days Act of 2007"	
LOBOOO091799	Jonathan Devine	Natural Resources Defense	01/12/2009
Natural Resources Defense	Nancy Stoner	Council	07/10/2009
Council		40 West 20th Street	
40 West 20th Street		New York, NY 10011	
New York, NY 10011		Environmental Protection	
		non-profit	
LOBOOO092072	Norman M. Glasgow- Holland & Kn	n/a	07/20/2009
Neighborhood Development	Kyrus L. Freeman-Holland & Knight		07/20/2009
Company, LLC		Alley Closing Legislation	
4110 Kansas Ave., NW.			
Washington, DC 20011			
LOBOOO091986	John Ray	New Town Development	01/26/2009
New Town Development Partners,	Tina Ang	Partners, LLC	07/10/2009
LLC		60 Columbus Circle, 20th Floor	
60 Columbus Circle, 20th floor		New York, NY 10023	
New York, NY 10023		Development & Construction	
LOBOOO091999	Holland & Knight LLP, Norman M. G	NoMa West Residential I, LLC	01/26/2009
NoMa West Residential I, LLC		6110 Executive Blvd, Suite 315	07/20/2009
6110 Executive Boulevard, Suite		Rockville, MD 20852	
315		Tax Abatement Legislation	
Rockville, MD 20852			
LOBOOO091366	Neely Frye	Novartis Pharmaceuticals	01/12/2009
Novartis Pharmaceuticals		Corporation	07/09/2009
Corporation		1 Health Plaza	
One Health Plaza Building 701		East Hanover, NJ 07936	
East Hanover, NJ 07936		Health Care	
LOBOOO092059	Douglas J. Patton	Thompkins Builders, Inc.	07/16/2009
Oldaker, Belair, & Wittie		1110 Vermont Ave., NW. Ste.200	
818 Connecticut Ave., NW.		Washington, DC 20005	
Ste.1100			
Washington, DC 20006			

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LOBOOO091771	Douglass Patton	Archdiocese of Washington	01/12/2009
Oldaker, Biden & Belair		5001 Eastern Avenue	07/16/2009
818 Connecticut Avenue, NW,		Hyattsville, MD 20782	
Suite 1100		Land Use	
Washington, DC 20006			
LOBOOO091880	Douglas Patton	Washington Ctr. for Internships &	01/12/2009
Oldaker, Biden & Belair		Acad. Sch. Sem	07/16/2009
818 Connecticut Avenue, NW,		1333 16th Street, NW	
Suite 1100		Washington, DC 20036	
Washington, DC 20006		Land Use and real estate	
LOBOOO091672	Douglass Patton	The Medstat Group (dba	01/12/2009
Oldaker, Biden & Belair, LLP		Thomson)	07/16/2009
818 Connecticut Avenue, NW,		777 East Eisenhower Parkway	
Suite 1100		Ann Arbor, MI 48108	
Washington, DC 20006		Healthy & Technology Issues	
LOBOOO091670	Douglass Patton	Washington Area New	01/12/2009
Oldaker, Biden & Belair, LLP		Automobile Dealers Assoc.	07/16/2009
818 Connecticut Avenue, NW,		5301 Wisconsin Avenue, NW,	
Suite 100		Suite 210	
Washington, DC 20006		Washington, DC	
		Automobile Dealers Issues	
LOBOOO091669	Douglass Patton	Miller & Long Concrete	01/12/2009
Oldaker, Biden & Belair, LLP		Construction Company	07/16/2009
818 Connecticut Avenue, NW,		4824 Rugby Avenue,	
Suite 100		Bethesda, MD 20814	
Washington, DC 2006		Labor and construction issues	
LOBOOO091711	Douglas J. Patton	Hawthorn Group	01/12/2009
Oldaker, Biden & Belair, LLP		1199 North Fairfax St. Suite 1000	07/16/2009
818 Connecticut Ave NW. Suite		Alexandria, VA 22314	
1100		Life Settlement	
Washington, DC 20006			
LOBOOO091673	Douglass Patton	General Motors Corporation	01/12/2009
Oldaker, Biden & Belair, LLP		25 Massachusetts Avenue, NW,	
818 Connecticut Avenue, NW,		Ste. 400	
Suite 100		Washington, CA 20001	
Washington, DC 20006			

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LOB000090892		DC Association of Beverage	01/09/2009
Pascal & Weiss P.C.		Alcohol Wholesalers	07/02/2009
1008 Pennsylvania Avenue, SE		1008 Pennsylvania Avenue, SE	
Washington, DC 20003		Washington, DC 20003	
LOB000091831		Florida Avenue Market Merchants	01/09/2009
Pascal & Weiss, P.C.		1008 Pennsylvania Avenue, SE	07/02/2009
1008 Pennsylvania Avenue, SE		Washington, DC 20003	
Washington, DC 20003			
LOB000090448	Thomas Graham	Pepco Energy Services	01/09/2009
Pepco Energy Services	Vincent Orange	1300 North 17th Street, NW, Suite	07/29/2009
1300 North 17th St., NW. Suite		1600	
1600		Arlington, VA 22209	
Arlington, VA 22209			
LOB000090511	Perry, Beverly	PEPCO Holdings, Inc.	01/09/2009
PEPCO Holdings, Inc.		701 Ninth Street, NW	07/29/2009
701 Ninth Street, NW		Washington, DC 20068	
Washington, DC 20068			
LOB000091283	Melissa Bishop-Murphy	Pfizer, Inc.	02/05/2009
Pfizer, Inc.		201 Tabor Road, Building 66/2	07/10/2009
201 Tabor Road, Bldg 66/2		Morris Plains, NJ 07950	
Morris Plains, NJ 07950		Pharmaceutical & health issues	
LOB000090945	John O'Connor	Pharmaceutical Research &	01/14/2009
Pharmaceutical Research &	Harmon, Wilmot & Brown	Manufacturers of America	07/09/2009
Manufacturers of America	Roderick Woodson	(PhRMA)	
(PhRMA)	Lawrence Mirel	950 F Street NW Suite 300	
950 F Street NW Suite 300		Washington, DC 20004	
Washington, DC 20004			
LOB000091977	Paul Timmonds	Abdo Development, LLC	01/09/2009
Pillsbury Winthrop Shaw Pittman,		1404 14th Street, NW, 2nd Floor	07/08/2009
LLP		Washington, DC 20005	
2300 N Street, NW		Real Estate	
Washington, DC 20037			

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LOB000091978	Maureen Dwyer	Regan Associates, LLC	01/09/2009
Pillsbury Winthrop Shaw Pittman, LLP	David Avitabile	698 Pine Street	07/10/2009
2300 N Street, NW		Herndon, VA 20170	
Washington, DC 20037		Real Estate	
LOB000091979	Maureen Dwyer	Georgetown University Law Center	01/09/2009
Pillsbury Winthrop Shaw Pittman, LLP		600 New Jersey Avenue, NW	07/10/2009
2300 N Street, NW		Washington, DC 20001	
Washington, DC 20037		Real Estate	
LOB000092048	Maureen Dwyer	Washington Times c/o Keith Cooperrider	07/09/2009
Pillsbury Winthrop Shaw Pittman, LLP		3600 New York Avenue, NE	07/09/2009
2300 N Street, NW		Washington, DC 20002	
Washington, DC 20037		Real Estate	
LOB000090449	Thomas H. Graham	Potomac Electric Power Company	01/09/2009
Potomac Electric Power Company	Vincent Orange	701 Ninth Street, NW	08/07/2009
701 Ninth St. NW.		Washington, DC 20068	
Washington, DC 20068			
LOB000090783	Kevin Wrege	Property Casualty Insurance Association of America	01/12/2009
Property Casualty Insurers Association of America		2600 River Rd.	07/10/2009
2600 S. River Road		Des Plaines, IL 60018	
Des Plaines, IL 60018			
LOB000091762	Roderic Woodson, Holland & Knig	Providence Hospital	01/28/2009
Providence Hospital		1150 Varnum Street, NE	07/20/2009
1150 Varnum Street, NE		Washington, DC 20017	
Washington, DC 20017		Public Policy	
LOB000091876	Max Brown	Public Consulting Group	01/13/2009
Public Consulting Group		148 State Street, 10th Flr.	07/02/2009
148 State Street, 10th Floor		Boston, MA 02109	
Boston, MA 02109		Medicaid	

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LOB000091779	Kevin Wreze	Property Casualty Insurers	01/09/2009
Pulse Issues & Advocacy LLC		Assoc. of America	07/09/2009
2913 N Street, NW		2600 South River Road	
Washington, DC 20007		Des Plaines, IL 60018	
		Trade Association	
LOB000091864	Oldaker, Biden & Belair, LLP	Oldaker Biden & Belair, LLP	01/08/2009
Real Estate Solutions Group, LLC		818 Connecticut Ave NW	
66 Witherspoon St. #149		Washington, DC 20006	
Princeton, NJ 08542		Land Use	
LOB000091975	Maureen Dwyer	Regan Associates, LLC	01/09/2009
Regan Associates, LLC	David Avitable	698 Pine Street	07/10/2009
698 Pine Street		Herndon, VA 20170	
Herndon, VA 20170		Real Estate	
LOB000091550	Winston & Strawn, LLP (William N. H	Resilient Floor Covering Institute	01/12/2009
Resilient Floor Covering Institue		115 Broad St., Ste.201	07/10/2009
115 broad St. Ste. 201		LaGrange, GA 30240	
LaGrange, GA 30240		D.C. Green Building Act	
		Legislation	
LOB000090850	Lynne Breaux	Restaurant Association of	01/21/2009
Restaurant Association of	Andrew Kline	Metropolitan Washington, Inc.	07/10/2009
Metropolitan Washington, Inc.		1200 17th Street, NW. Ste. 110	
1200 17th Street NW. Ste 110		Washington, DC 20036	
Washington, DC 20036			
LOB000091583	John Ray	Rhode Island Avenue Metro, LLC	01/13/2009
Rhode Island Avenue Metro, LLC	Tina Ang	8403 Colesville Road , Suite 400	07/10/2009
7735 Old Georgetown Rd Ste. 600		Silver Spring, MD 20910	
Bethesda, MD 20814		Development	
LOB000090118	Robert Pohlman	Coalition for Non-profit Housing	01/28/2009
Robert Pohlman		& Econ. Dev.	08/10/2009
1815 Monroe Street, NW		1432 U Street, NW, 1st Floor	
Washington, DC 20010		Annex	
		Washington, DC 20009	
		Community development	

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LOBOOO091989	Roy L. Kaufmann	D.C. Land Title Association	01/23/2009
Roy L. Kaufmann		4530 Wise Avenue, NW, #220	06/11/2009
1120 20th Street, NW, S-300		Washington, DC 20016	
Washington, DC 20036		Taxes on Real Estate	
LOBOOO092024	Claude E. Bailey	Safeway, Inc.	04/09/2009
Safeway, Inc.		4551 Forbes Blvd	07/14/2009
4551 Forbes Blvd		Lanham, MD 20706	
Lanham, MD 20706		Bill No. 17-907	
LOBOOO091257	John Ray	Sam Wang Produce, Inc.	01/26/2009
Sam Wang Produce, Inc.	Tina Ang	300 Morse Street, NE	07/10/2009
300 Morse Street, NE		Washington, DC 20002	
Washington, DC 20002		Zoning	
LOBOOO091824	John L. Ray	Sang Oh Development, LLC	01/12/2009
Sang Oh Development, LLC	Tina Ang	300-A Morse Street, NE	08/06/2009
300-A Morse Street NE		Washington, DC 20002	
Washington, DC 20002			
LOBOOO091824	John L. Ray	Sang Oh Development, LLC	01/12/2009
Sang Oh Development, LLC	Tina Ang	300-A Morse Street, NE	08/06/2009
300-A Morse Street NE		Washington, DC 20002	
Washington, DC 20002		Joint Venture agreement	
LOBOOO091393	Kathryn Lavriha	Sanofi-Aventis	01/12/2009
Sanofi-Aventis		55 Corporate Drive Mail Stop	07/08/2009
55 Corporate Drive Mail Stop		55B-230C	
55B-230C		Bridgewater, NJ 08807	
Bridgewater, NJ 08807			
LOBOOO091428	Alison Hirsh	SEIU Local 32BJ	01/13/2009
SEIU Local 32BJ	Ilana Lipsett	101 Ave of the Americans	07/30/2009
101 Ave of the Americas		New York, NY 10013	
New York, NY 10013		Leg. concerning building service workers & security officers	

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LOBOOO091957	Stephen D. Kahn	SOME, Inc.	01/12/2009
SOME, Inc.		60 O Street, NW	08/10/2009
60 O St., NW.		Washington, DC 20001	
Washington, DC 20001			
LOBOOO091359	Kevin Chavous	Group Hospitalization & Med.	01/08/2009
Sonnenschein Nath & Rosenthal		Svcs., Inc. (Care First)	07/10/2009
1301 K Street, NW, Ste. 600, East		840 First Street, NE	
Tower		Washington, DC 20065	
Washington, DC 20005		Health Insurance Regulations	
LOBOOO091882	Kevin Chavous	Intralot, USA	01/08/2009
Sonnenschein Nath & Rosenthal		11360 Technology Circle	07/10/2009
1301 K Street, NW, Ste 600 East		Deluth, GA 30097	
Tower		DC Lottery	
Washington, DC			
LOBOOO091429	Kevin Chavous	Enterprise Leasing Company	01/08/2009
Sonnenschein Nath & Rosenthal	Alison Kutler	2 Research Place, Suite 300	07/10/2009
LLP		Rockville, MD 20850	
1301 K Street, NW, Ste. 600, East		Rental Cars	
Tower			
Washington, DC 20005			
LOBOOO091448	Douglas Sloan	Sprint Nextel	01/30/2009
Sprint Nextel	Max Brown	2001 Edmond Halley Drive Bldg.	07/15/2009
2001 Edmond Halley Drive, Bldg		A2014	
A2014		Reston, VA 20191	
Reston, VA 20191		Government Affairs Consulting	
LOBOOO091901	Sean Glynn, Arent Fox LLP	St, John's College High School	01/12/2009
St. John's College High School	Patrick Neal, Arent Fox LLP	2607 Military Road, NW	07/10/2009
2607 Military Road, NW.		Washington, DC 20015	
Washington, DC 20015			
LOBOOO092042	Lawrence Richardson, Jr.	State Farm Mutual Automobile	05/19/2009
State Farm Mutual Automobile		Insurance Company	07/10/2009
Insurance Company		1 State Farm Plaza CorpLaw A-3	
1 State Farm Plaza CorpLaw A-3		Bloomington, IL 61710	
Bloomington, IL 61710		B-18-03	

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LOBOOO091959	Owen Sweeney Jr.	Symantec Corporation	01/12/2009
Symantec Corporation		20330 Stevens Creek Blvd	07/09/2009
20330 Stevens Creek Blvd.		Cupertino, CA 95014	
Cupertino, CA 95014			
LOBOOO090862	Zowader, Don	Takeda Pharmaceuticals	01/13/2009
Takeda Pharmaceuticals America		America	07/07/2009
One Takeda Parkway		One Takeda Parkway	
Deerfield, IL 60015		Deerfield, IL 60015	
LOBOOO090862	Zowader, Don	Takeda Pharmaceuticals	01/13/2009
Takeda Pharmaceuticals America		America	07/07/2009
One Takeda Parkway		One Takeda Parkway	
Deerfield, IL 60015		Deerfield, IL 60015	
		Pharmaceutical Manufacturer	
LOBOOO090778	Wilmot, David	The District of Columbia	01/12/2009
The District of Columbia	Bagwell, Andrea	Association of Health Maint.	07/09/2009
Association of Health Maint.		Organizations (DCHMO)	
Organizations(DCHMO)		1010 Vermont Ave. NW. Ste. 810	
1010 Vermont Ave. NW. Ste 810		Washington, DC 20005	
Washington, DC 20005			
LOBOOO090487	Demczuk, Bernard	The George Washington	01/12/2009
The George Washington	Charles Barber	University	07/09/2009
University		2121 Eye Street, NW	
2121 Eye St., NW		Washington, DC 20052	
Washington, DC 20052		University Relations	
LOBOOO091720	Sean Glynn, Arent Fox, LLP	The Methodist Home of D.C.	01/12/2009
The Methodist Home of D.C.	Patrick Neal, Arent Fox LLP	4901 Connecticut Avenue, NW	07/10/2009
4901 Connecticut Avenue, NW		Washington, DC 20036	
Washington, DC 20008		Authorization of bond financing	
LOBOOO091045	Hall, William	The National Council to Prevent	01/12/2009
The National Council to Prevent	McMickle, John	Delinquency	07/10/2009
Delinquency		P.O. Box 2975	
P.O. Box 2975		Annapolis, MD 21404	
Annapolis, MD 21404		D.C. Graffiti Legislation	

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LOBOOO092029	Kinley Bray	The Vision of Victory Community	03/31/2009
The Vision of Victory Community		Dev. Corp.	08/10/2009
Dev. Corp.		2498 Alabama Avenue, SE	
2498 Alabama Avenue, SE		Washington, DC 20020	
Washington, DC 20020		Seeking support for tax exempt legislation	
LOBOOO091903	Richard A. Newman, Arent Fox LLP	The Washington Center for	01/12/2009
The Washington Center for	Eve Corbin, Arent Fox LLP	Internships and Academic	
Internships and Academic		Seminars	
Seminars		1333 16th Street, NW	
1333 16th St., NW.		Washington, DC 20036	
Washington, DC 20036			
LOBOOO092080	Douglas Patton	The Washington Center for	01/08/2009
The Washington Center for		Intrnshps. & Acad. Seminars	06/29/2009
Intrnshps & Acad. Seminars		1333 16th Street, NW	
1333 16th Street, NW		Washington, DC 20036	
Washington, DC 20036		Internship Program	
LOBOOO091980	Douglas Patton	The Washington Center for	08/04/2009
The Washington Center for		Intrnshps. & Acad. Seminars	06/29/2009
Intrnshps & Acad. Seminars		1333 16th Street, NW	
1333 16th Street, NW		Washington, DC 20036	
Washington, DC 20036		Internship Program	
LOBOOO091260	Eric Lieberman, V.P. & Counsel	The Washington Post	01/09/2009
The Washington Post		1150 15th Street, NW	
1150 15th Street, NW		Washington, DC 20071	
Washington, DC 20071		Newspaper business	
LOBOOO092031	James Dyke	Thompson Hospitality	04/01/2009
Thompson Hospitality		505 Huntmar Park Drive	07/08/2009
505 Huntmar Drive Park		Herndon, VA 20170	
Herndon, VA 20170		Thompson Hospitality	
LOBOOO092020	Roderic Wilson	Tompkins Builders	03/20/2009
Tompkins Builders		1110 Vermont Avenue, NW, Suite	07/20/2009
1110 Vermont Avenue, NW, Suite		200	
200		Washington, DC 20005	
Washington, DC 20005		Construction Industry	

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LOBOOO091356	Jeff Trammell	CareFirst/GHMSI	01/16/2009
Trammell and Company		840 First Street, NE	07/10/2009
1133 Connecticut Ave., NW 5th Flr.		Washington, DC 20065	
Washington, DC 20036		Health Issues	
LOBOOO090134	David Goldblatt	Tregaron Limited Partnership	01/09/2009
Tregaron Limited Partnership	Cynthia Giordano	Finkle& Ross LLP, 600 Old	07/02/2009
100 Ring Road West, #208		Country Road Ste.435	
Garden City, NY 11530		Garden City, NY 11530	
		Real Estate matters re: the	
		Tregaron Estate	
LOBOOO091821	Scott Henderson	United Health Group	01/13/2009
United Health Group		701 Pennsylvania Ave Suite	07/07/2009
701 Pennsylvania Ave. Suite		530/650	
530/650		Washington, DC 20004	
Washington, DC 20004		Health Insurance	
LOBOOO090462	Donna Leaman	USAA	01/09/2009
USAA		1900 Campus Commons Drive,	07/02/2009
1900 Campus Commons Drive,		Suite 125	
Suite 125		Reston, VA 20191	
Reston, VA 20191		Insurance and Financial Services	
		matter	
LOBOOO090201	Joseph Askew	Verizon- Washington, DC Inc.	01/12/2009
Verizon- Washington, DC Inc.		2055 L Street, NW 5th Floor	07/10/2009
2055 L Street, NW 5th Floor		Washington, DC 20036	
Washington, DC 20036		Matters impacting Verizon Corp.	
LOBOOO091941	David Wilmot	Walmart	01/13/2009
Walmart	Andrea Bagwell	702 SW 8th Street, MS 0350	07/08/2009
702 SW 8th Street MS 0350	Rhoda Washington	Bentonville, AR 72716	
Bentonville, AR 72716			
LOBOOO092015	Diane Jemmott	Washington Area Liquor	02/25/2009
Washington Area Liquor Retailers		Retailers Association	
Association		P.O. Box 53324	
P.O Box 53324		Washington, DC 20009	
Washington, DC 20009		Legislations, Regulations	
		affecting WALRA members	

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LOB000090483	Murphy, Gerard	Washington Area New	01/09/2009
Washington Area New Automobile	Mann, Thomas	Automobile Dealers Association	07/10/2009
Dealers Assoc.	Douglas J. Patton, Esquire Oldaker	5301 Wisconsin Ave. NW Suite	
5301 Wisconsin Avenue, Suite		210	
210		Washington, DC 20015	
Washington, DC 20015			
LOB000090823	Goodwin, Michael	Washington Boat Lines, Inc.	01/09/2009
Washington Boat Lines, Inc.	David L. Goldblatt	1025 Thomas Jefferson Street,	07/02/2009
1050 Thomas Jefferson Street,		NW, Ste. 302W	
NW, Suite 100		Washington, DC 20007	
Washington, DC 20007		General matters	
LOB000092043	Bruce C. Bereano	Washington DC Metro.	06/04/2009
Washington DC Metro.		Ophthalmological Society	
Ophthalmological Society		1145 19th Street, NW, Suite 500	
1145 19th Street, NW, Suite 500		Washington, DC 20036	
Washington, DC 20036		Legislation B-17-0801	
LOB000091929	Richard A. Newman, Arent Fox LLP	Washington Drama Society, Inc.	01/12/2009
Washington Drama Society,	Jon Bouker, Arent Fox LLP	d/b/a Arena Stage	07/10/2009
Inc.,d/b/a Arena Stage	Patrick Neal, Esq. Arent Fox LLP,	1101 6th Street, SW	
1101 6th Street SW		Washington, DC 20024	
Washington, DC 20024			
LOB000090043	Steven Jumper	Washington Gas	01/09/2009
Washington Gas	Doreen Hope	101 Constitution Avenue, NW	07/09/2009
101 Constitution Avenue, NW	Robert Glidewell	Washington, DC 20080	
Washington, DC 20080		Energy matters re: regulations	
		and public policy	
LOB000092076	Kyrus L. Freeman-Holland & Knight	N/A	07/20/2009
Washington Sports &			07/20/2009
Entertainment			
601 F St., NW.		Alley Closing Legislation	
Washington, DC 20004			
LOB000092050	Maureen Dwyer	N/A	07/09/2009
Washington Times c/o Keith	Paul Tummonds, Jr.	N/A	07/09/2009
Cooperrider	Jeffrey Utz	N/A,	
3600 New York Ave NE		Telephone Conferences	
Washington, DC 20002			

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LOB000091865	Wayne McOwen	District of Columbia Insurance	01/12/2009
WEM Associates, LLC		Federation	07/16/2009
1325 13th Street, NW, #30		P.O. Box 34757	
Washington, DC 20005		Washington, DC 20043	
		Insurance	
LOB000091529		Whole Foods Market Group, Inc.	01/26/2009
Whole Foods Market Group, Inc.		6015 Executive Blvd.	
6015 Executive Blvd.		Rockville, MD 20852	
Rockville, MD 20852		None	
LOB000091706	Lawrence Mirel	District of Columbia Insurance	05/26/2009
Wiley Rein LLP		Federation	07/02/2009
1776 K Street, NW		1325 13th Street, NW	
Washington, DC 20006		Washington, DC 20005	
		Insurance	
LOB000091947	Thomas P. Cassidy	IMS Health, Inc.	01/15/2009
William Mullen PC		1666 K St., NW. Ste. 1200	
1666 K St. NW. Ste. 1200		Washington, DC 20006	
Washington, DC 20006			
LOB000091044	Hall, William	The National Council to Prevent	01/12/2009
Winston & Strawn	McMickle, John	Delinquency	07/10/2009
1700 K St. NW.		P.O. Box 2975	
Washington, DC 20006		Annapolis, MD 21404	
		D.C. Graffiti Legislation	
LOB000090920	Hall, William	National Paint & Coatings	01/12/2009
Winston & Strawn (William Hall)		Association	07/10/2009
1700 K Street, NW		1500 Rhode Island Ave.NW.	
Washington, DC 20006		Washington, DC 20005	
LOB000091860	William Hall	Wyeth	01/12/2009
Winston & Strawn LLP		500 Arcola Road	08/10/2009
1700 K Street, NW		Collegeville, PA 19426	
Washington, DC 20006		Safe Rx	

<i>Lobbyist ID</i>	<i>Lobbyist Name</i>	<i>Compensating Registrant</i>	<i>Registrant Date</i>
<i>Registrant Name</i>		<i>Address</i>	<i>July Date</i>
<i>Permanent Address</i>		<i>City, State and Zip</i>	
<i>City, State and Zip</i>		<i>Nature of Lobbying</i>	
LOB000091939	Winston & Strawn LLP	PhRMA-John O'Connor	01/13/2009
Winston & Strawn LLP		950 F Street, N.W.	07/10/2009
1700 K Street N.W.		Washington, DC 20004	
Washington, DC 20006			
LOB000091565	William N. Hall	Resilient Floor Covering Institute	01/12/2009
Winston & Strawn, LLP		(Doug Wiegand)	07/10/2009
1700 K Street, NW		115 Broad St., Ste.201	
Washington, DC 20006		LaGrange, GA 30240	
		D.C. Green Building Act	
		Legislation	

BOARD OF ELECTIONS AND ETHICS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 6B03

Petition Circulation Period: **Monday, August 17, 2009 thru Tuesday, September 8, 2009**

Petition Challenge Period: **Friday, September 11, 2009 thru Thursday, September 17, 2009**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

DISTRICT DEPARTMENT OF THE ENVIRONMENT**NOTICE OF SUSTAINABLE ENERGY UTILITY ADVISORY BOARD MEETING**

In accordance with section 204(i) of the Clean and Affordable Energy Act of 2008, D.C. Official Code, §§ 8-1773.01, *et seq.*, § 8-1774.04(i), which requires that all Sustainable Energy Utility Advisory Board (“Board”) meetings be subject to the District’s open meetings law set forth at D.C. Official Code § 1-207.42, the District Department of the Environment hereby gives notice that the first official meeting of the Board will be held Monday August 31, 2009 at 10:00 am, at One Judiciary Square, Old Council Chambers, 441 4th Street, NW, First Floor.

Persons wishing to receive subsequent notices or additional information concerning the Board, should provide their e-mail addresses to Lynora M. Hall (lynora.hall2@dc.gov), Energy Office, District Department of the Environment.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2008

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to construct and operate one (1) 500 kW emergency generator located at 1331 F Street, Suite 200 NW, Washington, DC.

The application to construct/operate the generator and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
51 N Street, NE
Washington D.C. 20002

No written comments postmarked after September 14, 2009 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2008

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to operate one (1) 105 kW portable emergency generator at Fort Lesley J. McNair, 4th and P Streets SW, Washington, D.C.

The application to construct/operate the generator and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
51 N Street, NE
Washington D.C. 20002

No written comments postmarked after September 14, 2009 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2008

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue permits to construct and operate two (2) 1,000 kW emergency generators at the Longworth House Office Building to the House Office Building Jurisdiction of the Architect of the Capitol, Washington, DC.

The application to construct/operate the generators and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
51 N Street, NE
Washington D.C. 20002

No written comments postmarked after September 14, 2009 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DEPARTMENT OF HEALTH CARE FINANCE PHARMACY
AND
THERAPEUTICS COMMITTEE**

NOTICE OF PUBLIC MEETING

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held Thursday, September 3, 2009, at 2:30pm in Conference Room 4131, at 825 North Capitol Street, NE Washington, DC 20002.

The Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

H.Pylori Combinations	Antifungals
Intranasal Antihistamines	Herpes Antivirals
Skeletal Muscle Relaxants	Hepatitis C Agents
Calcitonins	Hepatitis B, Oral Agents
Long-Acting Insulins	Low-Sedating Antihistamines & Combinations
Thiazolidinediones & Combinations	Leukotriene Modifiers & Formation Inhibitors
Bisphosphonates	Short Acting Beta Adrenergic Agents & Nebs
Proton Pump Inhibitors	Long Acting Beta Adrenergic Agents & Nebs
Topical Immunomodulators	Beta Adrenergic/Corticosteroid Combinations
Topical Retinoids	Inhaled Corticosteroids
Topical Agents for Psoriasis	Nasal Steroids
Topical Antibiotics	COPD Anticholinergics
Systemic Quinolones	

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 no later than 4:45pm on Thursday, August 27, 2009. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov).

An individual wishing to make an oral presentation to the Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the Committee no later than 4:45pm on **Thursday, August 27, 2009**. Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back). The ready-to-disseminate, written information can also be mailed before the meeting to:

Department of Health Care Finance
Attention: Charlene Fairfax, RPh, CDE
825 North Capitol Street, NE
Washington, DC 20002

**THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT
THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**

**INCLUSIONARY ZONING AFFORDABLE HOUSING PROGRAM
MAXIMUM RENT AND PURCHASE PRICE SCHEDULE**

This Maximum Rent and Purchase Price Schedule is established pursuant to the Inclusionary Zoning Implementation Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*) (“the Act”) and the Inclusionary Zoning Regulations adopted by the Zoning Commission for the District of Columbia and codified in Chapter 26 Title 11 of the DCMR. The Schedule is effective August 14, 2009.

Multi-Family Inclusionary Developments

					50% of AMI Units		80% of AMI Units	
Number of Bedrooms	Occupancy Pricing Standard	Occupancy Limits	Estimated Utility Allowance	Estimated Condo Fees	Maximum Allowable Rent	Maximum Purchase Price	Maximum Allowable Rent	Maximum Purchase Price
Studio	1	1	\$108	\$250	\$899	\$107,500	\$1,438	\$190,700
1	2	1 - 2	\$150	\$313	\$1,027	\$117,700	\$1,643	\$212,800
2	3	2 - 4	\$192	\$425	\$1,155	\$120,100	\$1,849	\$227,100
3	5	4 - 6	\$233	\$525	\$1,412	\$144,300	\$2,259	\$275,100

Single-Family Inclusionary Developments

					50% of AMI Units		80% of AMI Units	
Number of Bedrooms	Occupancy Pricing Standard	Occupancy Limits	Estimated Utility Allowance	Estimated Condo Fees	Maximum Allowable Rent	Maximum Purchase Price	Maximum Allowable Rent	Maximum Purchase Price
2	3	2 - 4	NC	\$110	\$1,155	\$160,300	\$1,849	\$267,300
3	5	4 - 6	NC	\$130	\$1,412	\$196,800	\$2,259	\$327,600
4	7	6 - 8	NC	\$150	\$1,669	\$233,400	\$2,670	\$388,000

The Maximum Purchase Price or Rent is based on the Washington Metropolitan Statistical Area 2009 Area Median Income of \$102,700 for a family of four (4) as published by the United States Department of Housing and Urban Development. It takes into account an ability to pay thirty percent (30%) of the benchmark income towards the housing cost.

Maximum Allowable Rent is equal to the rent published minus any utility expenses paid by the tenant for heat, air conditioning, cooking, electricity, or hot water. Utilities are estimated above. Actual costs to be deducted for each utility are as described in the District of Columbia Housing Authority's Utility Schedule.

An Inclusionary Development Owner may lower the rents or prices to achieve a larger marketing band of incomes for marketing purposes to assure occupancy.

Maximum Allowable Purchase Prices use the following assumptions:

1. A conventional thirty (30) year, fixed-rate, fully amortizing mortgage at the national average mortgage rate as published by the Federal Housing Finance Agency at www.fhfa.gov (5.12% as of July 28, 2009) plus a one percent (1%) cushion to protect for future interest rate increases and a five (5%) down payment.
2. Real estate property taxes are assessed at the control price at current real estate tax rates and homestead deductions.
3. Condominium fees are estimated at fifty cents (\$0.50) per square foot per month applied to the assumed unit square footages. Single-family homeowner association fees are estimated at ten cents (\$0.10) per square foot per month applied to the assumed unit square footages. Estimated unit sizes are:

Multi-Family Inclusionary Development			
Studio	1-Bedroom	2-Bedroom	3-Bedroom
500	625	850	1,050

Single-Family Inclusionary Development		
2-Bedroom	3-Bedroom	4-Bedroom
1,100	1,300	1,500

4. Monthly hazard insurance on single-family units is estimated at one half of one percent (0.5%) of replacement value.

NOTE 1. If the actual homeowner/condominium fee for a specific Inclusionary Unit is more than ten percent (10%) higher than the fee assumed in the Maximum Price or Rent Schedule and/or hazard insurance is not included in the condominium fees, then the actual fees and insurance costs shall be used to determine the maximum sales price of the Inclusionary Unit.

NOTE 2. For unit types larger than listed above contact the Agency.

NOTE 3. NC — Not calculated. Contact the Agency.

NOTE 4. More information on Inclusionary Zoning is available at www.dhcd.dc.gov.

NATIONAL COLLEGIATE PREPARATORY PUBLIC CHARTER HIGH SCHOOL**NOTICE FOR BIDS****Furniture, Equipment, and Supplies**

National Collegiate Preparatory Public Charter High School invites proposals for procurement of furniture, equipment, and supplies for SY 2009-10. Proposals are to be received by August 20, 2009 at **2:00 pm**. No proposal will be accepted after the deadline. Bid specifications can be picked up at National Collegiate Preparatory PCHS (2701 12th Street, N.E. Suite #1, Washington, DC 20018). Attn: Ms. L Crowder, Staff Associate @ 202-832-7737.

BOARD OF REAL PROPERTY ASSESSMENTS AND APPEALS**NOTICE OF ADMINISTRATIVE MEETING**

Friday, September 11, 2009 at 2:00 p.m.
Room 220 (Office of Zoning Hearing Room)
441 4th Street NW
Washington, D.C. 20001

The District of Columbia Board of Real Property Assessments and Appeals will hold an administrative meeting on Friday, September 11, 2009 at 2:00 p.m. to discuss the Tax Year 2010 Real Property Tax Assessments season.

Individual who wish to submit their comments as part of the official record should send copies of the written statements no later than 4:00 p.m., Wednesday, September 9, 2009 to:

Renee McPhatter, Administrative Officer
Board of Real Property Assessments and Appeals
441 4th Street NW, Suite 430S
Washington, D.C. 20001

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been newly appointed as Notaries Public in and for the District of Columbia, effective on or after September 1, 2009.

Comments on these appointments should be submitted, in writing, to Naomi Shelton, Administrator, Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on August 21, 2009. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

**D.C. Office of the Secretary
Appointments of Notaries Public****Effective: September 1, 2009
Page 2**

Aguocha	Christian U.	The Law Firm of Christian U. Aguocha 1629 K Street, NW, Suite 300	20006
Allen	S. Kathryn	Answer Title 10 G Street, NE, Suite 410	20002
Allen	Eugene	CitiBank, NA 600 Pennsylvania Avenue, SE	20003
Beach	Kristin M.	Hotel Palomar 2121 P Street, NW	20037
Beattie	John D.	Dykema 1300 I Street, NW, Suite 300 West	20005
Bickel	Sarah M.	Merrill LAD 1325 G Street, NW, Suite 200	20005
Blake	Carol M.	New Mount Olive Baptist Church 710 58th Street, NE	20019
Boddie	Wilburn L.	Self 3701 South Dakota Avenue, NE	20018
Bray	Laura C.	Home Builders Institute 1201 15th Street, NW, 6th Floor	20005
Brennan	Terrence	Veritas Law 1225 19th Street, NW, Suite 320	20036
Browne	Paul P.	Community Preservation and Development Corp. 5513 Connecticut Avenue, NW, Suite 250	20015
Butler	Barbara M.	Hunton & Williams LLP 1900 K Street, NW	20006
Carter	Kimberly M. J.	Development Gateway Foundation 1889 F Street, NW, Suite 200E	20006
Castillo	Lida Z.	Bank Of America 3401 Connecticut Avenue, NW	20008

**D.C. Office of the Secretary
Appointments of Notaries Public**
Effective: September 1, 2009
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Centeno	Marlyn	Agriculture Federal Credit Union 14th Street & Independence Avenue, SW, Room SM-2	20250
Chreky	Betty A.	Henderson Legal Services 1015 15th Street, NW, Suite 525	20005
Clements	Melissa	Webster, Chamberlain & Bean 1747 Pennsylvania Avenue, NW, Suite 1000	20006
Cockrell-Reynolds	Raynell	Community Preservation and Development Corp. 5513 Connecticut Avenue, NW, Suite 250	20015
Cooper	Laura G.	Nelson Mullins Riley & Scarborough 101 Constitution Avenue, NW, Suite 900	20001
Corbin-Jallow	Sharon	Congressional Budget Office Ford House Office Building, Rm 405A, 2nd & D Street, SW	20515
Curtis	Florence D.	Curtis Concepts, LLC 3685 Upton Street, NW	20008
Daniels	Yvonne	Self 136 Kennilworth Avenue, NE, #3C	20019
Davies	Alma H.	Jackson & Campbell, PC 1120 20th Street, NW, South Tower	20036
Diallo	Princess S.	Community Preservation and Development Corp. 5513 Connecticut Avenue, NW, Suite 250	20015
Epperson	John R.	Policy Impact Strategic Communications 1401 K Street, NW, Suite 600	20005
Evans	Suellen	Studley, Incorporated 555 13th Street, NW, Suite 420 East	20004
Ford	Linsey M.	Webster, Chamberlain & Bean 1747 Pennsylvania Avenue, NW, Suite 1000	20006

**D.C. Office of the Secretary
Appointments of Notaries Public****Effective: September 1, 2009
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Foster	Richard S.	Folger Nolan Fleming Douglas Incorporated 725 15th Street, NW	20005
Fricker	Sandra L.	Patton Boggs LLP 2550 M Street, NW	20037
Gaither	Katrice	Littler Mendelson, PC 1150 17th Street, NW, Suite 900	20036
Galarraga	Gustavo A.	Self 1615 Kenyon Street, NW, #26	20010
Gandy	Andree' Y.	Peoples Involvement Corporation 4921 Georgia Avenue, NW	20011
Garnett	Phyllis A.P.	Self 480 Burbank Street, SE	20019
Greenberg	Angela B.	Self 1500 Massachusetts Avenue, NW	20005
Guillen	Yaneth	Church of the Living God, La Luz del Mundo 1222 Rhode Island Avenue, NE	20018
Hajducsek	Traci S.	National Title Corporation 1534 16th Street, NW	20036
Harmel	Barbara L.	Davis Polk & Wardwell LLP 1300 I Street, NW, Suite 1000 East	20005
Heath	Beau	Curtis, Mallet-Prevost, Colt & Mosie LLP 1200 New Hampshire Avenue, NW, Suite 400	20036
Hughes	Ida	A. Wash & Associates, Incorporated 603 48th Street, NE	20019
Kane	Eddie	The George Washington University 801 22nd Street, NW, Rome Hall, #100	20052
Kim	Leslie P.	KPS Link Corporation 1718 M Street, NW	20036

**D.C. Office of the Secretary
Appointments of Notaries Public**
Effective: September 1, 2009
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Kinard	Alberta C.	FreedomWorks 601 Pennsylvania Avenue, NW, North Bldg., Suite 700	20004
Krents	Katherine W.	Cleary Gottlieb Steen & Hamilton LLP 2000 Pennsylvania Avenue, NW	20006
Lett	Rosie M.	Swank Audio Visuals 480 L'Enfant Plaza, SW	20024
Lipscomb	Mary B.	The Law Office of Linda M. Hoffman 919 18th Street, NW, Suite 250	20006
Lott	Jason	Human Rights Campaign 1640 Rhode Island Avenue, NW	20036
Louis	Gail M.	Congressional Bank 2101 K Street, NW	20037
Madison	Jeffrey L.	Metropolitan Police Department 300 Indiana Avenue, NW, Suite 3000	20001
Magruder	DeMara A.	Alston & Bird 950 F Street, NW	20004
Marques	Aline	IBG Partners, LLC 900 19th Street, NW, Suite 275	20006
McCorkle	Perry C.	Department of Justice/CRD/Voting Section 1800 G Street, NW RM 7215	20530
McCoy	Nedra D.	Zuckerman Spaeder, LLP 1800 M Street, NW, Suite 1000	20036
McLoughlin, Jr.	Gerard M.	Bank Of Georgetown 1054 31st Street, NW, Suite 18	20007
Meering	Jacqueline W.	National Journal, Atlantic Media 600 New Hampshire Avenue, NW	20037
Merchant	Shelley M.	DC Department of Small and Local Business Development 441 4th Street, NW, Suite 970 North	20001

**D.C. Office of the Secretary
Appointments of Notaries Public**
Effective: September 1, 2009
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Merrill	Rebecca L.	Bristol Associates, Incorporated 1023 15th Street, NW, Suite 1100	20005
Mielnik	Megan	Democratic Senatorial Campaign Committee 120 Maryland Avenue, NE	20002
Mock	Cleat E.	Self 2607 Bowen Road, SE, #30	20020
Montalbano	Ashley M.	PCT Law Group, PLLC 818 Connecticut Avenue, NW, Suite 700	20006
Murray	Carolyn L.	ASAE & The Center for Association Leadership 1575 I Street, NW	20005
Mustapha	Madiana M.	Manna 828 Evarts Street, NE	20018
Outlaw	Rosetta	Self 2903 Erie Street, SE, #87	20020
Paschoal	Celia	National Geographic Channel International 1145 17th Street, NW	20036
Patwary	Monir	A&H Financial 1325 G Street, NW, Suite 500	20005
Price	Brian K.	Self 437 New York Avenue, NW, #319	20001
Rabsatt	Elroy	Embassy Suites Washington DC/Convention Center 900 10th Street, NW	20001
Rolling	Dora M.	Edwards Angell Palmer & Dodge LLP 1875 Eye Street, NW, 11th Floor	20006
Rowe-Green	Chanel A.	Evolve Property Management, LLC 1375 Maryland Avenue, NE	20002
Russell	Jolene V.	US Department of Justice 601 D Street, NW	20004

**D.C. Office of the Secretary
Appointments of Notaries Public**
**Effective: September 1, 2009
Page 7**

Salgueiro	Silvia	Wachovia Bank, NA 3700 Calvert Street, NW	20007
Santos	Jhanyill	Estevez & Associates, LLC 3600 14th Street, NW	20010
Sobotka	Katherine	Capital Reporting Company 1821 Jefferson Place, NW, 3rd Floor	20036
Sweet-Huber	Deborah R.	Goodwin Procter LLP 901 New York Avenue, NW	20001
Taggart Scarff	Alexander R.	The Veritas Law Firm 1225 19th Street, NW, Suite 320	20036
Taylor	Lydia	IBG Partners, LLC 900 19th Street, NW, Suite 275	20006
Taylor	Penelope E.	Eisen & Rome, PC One Thomas Circle, NW, Suite 850	20005
Thomas	Phyllis	Department of Justice 950 Pennsylvania Avenue, NW, RM 5533	20530
Torres	Veronica R.	Humphries & Partners, PLLC 1025 Vermont Avenue, NW, Suite 910	20005
Turkel	Sarah B.	Humphries & Partners, PLLC 1025 Vermont Avenue, NW, Suite 910	20005
Washington	Debra L.	DC Department of Corrections 1923 Vermont Avenue, NW, Suite NLL-10	20001
Weatherspoon	Cynthia	State Department Federal Credit Union Ft. McNair, 4th & P Street, SW, Bldg. 41	20319
Weaver	Bessie M.J.	The White House/OMB 17th & Pennsylvania Avenue, NW	20503
Wiley	Sharon P.	Wells Fargo Advisors 1133 Connecticut Avenue, NW, 9th Floor	20036

**D.C. Office of the Secretary
Appointments of Notaries Public****Effective: September 1, 2009****Page 8**

Winston	Brittany N.	F & L Construction, Incorporated 1512 Good Hope Road, SE	20020
Zhu	Beibei	Policy Impact Strategic Communications 1401 K Street, NW, Suite 600	20005

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17908 of Mark Merlino, pursuant to 11 DCMR § 3103.2, for a variance from the alley width requirements of subsections 2507.2 and 2507.3, to allow a one-family dwelling in the R-4 District at premises 318 7th Street, N.E.¹

HEARING DATE: 4/21/09

DECISION DATE: 5/19/09

DISMISSAL ORDER

PRELIMINARY MATTERS

This application was submitted on November 1, 2008, by Mark Merlino (“Applicant”), the owner of the property that is the subject of this application (“subject property”). The self-certified application requested a variance from § 2507.3 of the Zoning Regulations, which prohibits the conversion, for human habitation, of a nonresidential structure on an alley less than 30 feet wide.

A variance under § 2507.3 is a use variance, and the Board held a hearing on the use variance request on April 21, 2009. At the hearing, the Board set a decision date of May 19, 2009. During the hearing, facts came out which led the Board to determine that no variance relief was needed by the Applicant. Therefore, at the decision meeting on May 19th, the Board voted 3-0-2 to dismiss the application.

FINDINGS OF FACT

1. The subject property is located at address 318 7th Street, N.E., on Square 864, Lots 818 and 816, in an R-4 zone district.
2. The two lots that comprise the property make a trapezoid containing a total of approximately 1,477 square feet of land area.
3. The property is improved with a two-story brick carriage house built circa 1932, which is a contributing building in the Capitol Hill Historic District.
4. The carriage house is on Lot 818, but is physically behind a building fronting on Maryland Avenue, at address 645 Maryland Avenue, N.E.
5. The footprint of the carriage house is approximately 875 square feet, and it has a lot occupancy of approximately 58%.

¹The originally-advertised address – 645 Maryland Avenue, N.E., rear – was formally changed to 318 7th Street, N.E., in 2008.

BZA APPLICATION NO. 17908**PAGE NO. 2**

6. Since approximately 1950, the carriage house has housed an auto repair business, and the latest Certificate of Occupancy (“C of O”) was issued on July 8, 1997 for “auto repair and office space.” Exhibit No. 9.
7. Two parking spaces are located on Lot 816, which will remain to service the Applicant’s use of the carriage house.
8. The subject property is located at the intersection of two public alleys and has no street frontage.
9. Running along the south of the property is a 9.35-foot wide public alley, which, at the southeastern corner of the property, dead-ends into a 12-foot public alley. This 12-foot alley runs north-south along the eastern edge of the property, turns east at the northeastern corner of the property, narrows to 10 feet, and runs east to 7th Street.
10. There is a distance of approximately 110 to 125 feet from the nearest edge of the subject property to 7th Street, N.E.
11. Trash trucks use the alley system once a week to empty the trash dumpster located on the subject property, and it appears that the alley structures can be served by the fire department by running hoses down the alleys.
12. Subsection 2507.3 states that nonresidential structures located on alleys less than 30 feet in width “shall not be converted, altered, remodeled, restored, or repaired for human habitation, regardless of cost.” 11 DCMR § 2507.3.
13. In approximately 2004, the Applicant purchased the subject property, originally intending to continue to use it for a commercial purpose, such as the previous auto repair use.
14. At some point, the Applicant, who paints, decided to convert the carriage house to an artist studio with artist housing. See, 11 DCMR § 199.1, definitions of “Artist studio,” and “Artist housing.”
15. An artist studio is a matter-of-right use in this location. 11 DCMR § 2507.5.
16. Because of § 2507.3’s prohibition on human habitation in converted structures on alleys less than 30 feet wide, a one-family dwelling, i.e., a human habitation, including artist housing, is not permitted on the property, therefore, the Applicant required use variance relief from this Board in order to obtain a building permit from DCRA.
17. Nevertheless, on November 5, 2008, DCRA issued the Applicant Permit No. B0801358 to renovate and improve the interior of the carriage house in order to make it habitable. Exhibit No. 25.

BZA APPLICATION NO. 17908**PAGE NO. 3**

18. Permit No. B0801358 specifically permitted the Applicant to perform “alteration/repair” for a “use change from auto repair shop to artist studio/single family house, interior only.” Exhibit No. 25.
19. Permit No. B0801358 was only issued after DCRA had performed all necessary building, plumbing, and electrical inspections and final approval had been granted by its inspectors. Exhibit No. 32, first three Attachments. See also, Exhibit No. 30 (stamped plans).
20. No enlargement or addition to the carriage house is proposed by the Applicant, but at some point, he made changes to its exterior, such as installing new windows and doors and putting on a new roof.
21. The Applicant also worked with the Historic Preservation Office in doing the restoration of, and improvements to, the carriage house.
22. The Applicant spent at least \$10,000 to renovate and improve the carriage house so it could serve as an artist studio and artist housing.
23. Because no C of O is needed for a one-family dwelling in the District of Columbia, after receiving DCRA’s “final approvals” and Building Permit No. B0801358, no further permission was needed from the D.C. government before the Applicant could begin to use the carriage house as a one-family dwelling.
24. In October, 2008, in reliance on the “final approvals” and the assurance that the “permit was ready to pick up,” the Applicant set a settlement date for the sale of the house he was living in at 423 3rd Street, N.E., which he had been living in for approximately 20 years. Transcript of April 21, 2009 hearing (“Trans.”), at 96-97.
25. In reliance on the “final approvals” and Building Permit No. B0801358, the Applicant sold the house on 3rd Street and proceeded to move into the carriage house with his wife.

CONCLUSIONS OF LAW

Subsection 2507.3 stipulates that no nonresidential structure on an alley less than 30 feet wide may be converted for human habitation. It is clear from the record that, before issuing Building Permit No. B0801358, DCRA was aware that the Applicant intended to live in the carriage house and that the carriage house did not face an alley at least 30 feet wide. In the normal course of events, the Applicant should have been referred to this Board for zoning relief before a permit was issued to him allowing him to occupy the carriage house. Instead, for reasons unknown to the Board, and apparently unclear to the Applicant, DCRA first allowed, then inspected and approved, the work done on the carriage house, and then went even further and issued a building permit, which, without more, permitted the Applicant to inhabit the carriage house as a one-family dwelling.

BZA APPLICATION NO. 17908**PAGE NO. 4**

Once the building permit issued, the Applicant's right to complete the *construction* authorized by that permit was "vested" pursuant to 11 DCMR § 3202.4. Because the use specified on the building permit was "artist studio/single family house" and because no C of O is needed for a "single-family house," the *use* was also vested with the issuance of the building permit. *See, Basken v. D.C. Bd. of Zoning Adjustment*, 946 A.2d 356, 364 (D.C. 2008). ("Ordinarily, the building permit is the document that reflects a zoning decision about whether a proposed structure, *and its intended use as described in the permit application*, conform to the zoning regulations." (Emphasis added.))

At this point, the Applicant does not need a use variance to secure the issuance of a building permit, because the necessary permit has already been issued to him by DCRA. Although the one-family dwelling use is not permitted on the subject property, per 11 DCMR §§ 2507.3 and 2507.2, it has been established there with DCRA's permission. The Board cannot, through the granting of a use variance, accord the Applicant any greater magnitude of permission than he has already been accorded by DCRA.

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendation made by the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive. ANC 6C voted unanimously to support the application. The Office of Planning recommended denial of the application. Because, however, the Board is neither granting nor denying the application, but dismissing it, it need not address these recommendations at any length.

For all the reasons stated above, the Board has determined that no zoning relief is necessary to enable the Applicant to occupy the subject carriage house. Accordingly, it is hereby **ORDERED** that Application No. 17908 be **DISMISSED**.

VOTE: 3-0-2 (Marc D. Loud, Michael G. Turnbull, and Shane L. Dettman, to dismiss.
Two Mayoral appointees (vacant) not participating, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT.

A majority of Board members has approved the issuance of this order.

FINAL DATE OF ORDER: AUGUST 6, 2009

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

LM

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17950 of Geneva Ivey Day School, as amended, pursuant to 11 DCMR § 3104.1, for a special exception to establish a child development center (75 children and 17 staff) under § 205, and a special exception under § 2116.5 to locate the parking spaces across the street from the site which is located in the R-1-B District at premises 2420 Rhode Island Avenue, N.E. (Square 4290, Lot 803).

Note: *At the hearing, the application was amended to increase the number of children from 60 to 75, to increase the number of staff from 12 to 17 and to include the special exception under § 2116.5.*

HEARING DATE: July 28, 2009
DECISION DATE: July 28, 2009

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 5A and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC-5A, which is automatically a party to this application. ANC 5A did not submit an official report related to the application. However, the Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under sections 205 and 2116.5. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 205 and 2116, that the requested relief can be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 17950**PAGE NO. 2**

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED, SUBJECT to the following CONDITIONS:**

1. Approval shall be for a period of **TEN YEARS**.
2. Enrollment at the child development center shall be limited to 75 students. The maximum number of staff shall be 17.
3. Drop-off and pick-up shall be through the Lawrence Street entrance.
4. The hours and days of operation shall be 6 a.m. to 6:30 p.m., Monday through Friday.
5. The Applicant shall provide four parking spaces at the Hoover Road parking lot.
6. The ages of the children shall be 2 to 5 years old.

VOTE: **4-0-1** (Marc D. Loud, Meridith H. Moldenhauer, Shane L. Dettman and William B. Keating, III to Approve; one Mayoral appointee (vacant) not participating, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A Majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: **AUGUST 5, 2009**

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

BZA APPLICATION NO. 17950**PAGE NO. 3**

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

TWR

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 02-51C
Z.C. Case No. 02-51C

**(Modifications to an Approved First Stage Planned Unit Development and Second Stage
Application for Planned Unit Development)**
Center for Strategic and International Studies, Inc.
July 27, 2009

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on June 25, 2009, to consider an application from the Center for Strategic and International Studies, Inc. ("Applicant") for second stage review and approval of a planned unit development ("PUD") for Square 182, Lot 82 pursuant to Chapters 24 and 30 of the District of Columbia Municipal Regulations ("DCMR") Title 11 (Zoning). The public hearing was conducted in accordance with the provisions of 11 DCMR Section 3022.

At the public hearing on June 25, 2009, the Commission took proposed action to approve the applications and plans that were submitted into the record.

The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the Home Rule Act. The NCPC Executive Director, through a Delegated Action dated July 2, 2009, found that the proposed PUD was not inconsistent with the Comprehensive Plan for the National Capital and would not adversely affect any other identified federal interests.

As will be explained below, the Commission, prior to final action, recognized that the Applicant was seeking modifications to the first stage order and decided to consider the Application as encompassing two requests.

The Commission took final action to approve the applications on July 27, 2009.

FINDINGS OF FACT

Project and PUD Site

1. The project site ("Project Site") consists of Square 182, Lot 82. It is located at 1616 Rhode Island Avenue, which is on the south side of Rhode Island Avenue, N.W. between Scott Circle and 17th Street in Ward 2. The Project Site is approximately 15,349 square feet in area and has been used as a surface parking lot for several years. It is bounded by public alley and the Human Rights Campaign headquarters office building to the west. To the east is the University of California building.¹ (Exhibit 3, p. 3; Exhibit 15, p. 2.)
2. The Project Site is part of a larger Planned Unit Development Site ("PUD Site"). The PUD Site consists of Square 182, Lots 82 and 83 ("PUD Site"). The Project Site is the western half of the PUD Site. The eastern half of the PUD Site is the University of

¹ The measured area of the Project Site is 15,349 square feet; however, the recorded area of the Project Site is 15,394 square feet. CSIS used the more conservative number for its measurements.

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California building, which has already been constructed. The PUD Site has a total land area of 32,726 square feet and approximately 230 feet of frontage along Rhode Island Avenue. It abuts alleys to the east, west, and south. (Exhibit 3, pp. 3, 4-5; Exhibit 15, p.2.)

3. The PUD Site is located in the C-4 Zone District. The properties in the vicinity of the site are located in the C-4, SP-2, and SP-1 Zone Districts. The areas surrounding the PUD Site include major office development to the south of the PUD and a mix of office, hotel, residential, and recreational facilities at moderate and high densities to the east, west, and north of the site. Immediately to the south of the PUD Site is the Sumner-Magruder School office complex. (Exhibit 3, p. 3; Exhibit 15, p. 3.)
4. The PUD Site is designated as appropriate for high-density commercial use pursuant to the Comprehensive Plan and is located in the Central Employment Area. It is located within three blocks of both the Farragut North Metro Station and the Dupont Circle Metro Station. (Exhibit 3, p. 22; Exhibit 15, p. 26.)
5. The PUD Site is located in the southeastern portion of the Dupont Circle Overlay District and is northwest of the Downtown Development Overlay District. (Exhibit 3, Exhibit C; Exhibit 15, Exhibit C.)

Procedural History

6. The PUD Site has an extensive history with the Commission. (Exhibit 3, pp. 4-5; Exhibit 15, pp. 3-4; Exhibit 20, Exhibit 2.)
7. Zoning Commission Order No. 638, dated December 15, 1989, approved a consolidated PUD and map amendment from SP-2 to C-4 of the PUD Site. The Original PUD permitted the construction of a mixed-use building containing residential, office, and retail space to a maximum height of 106 feet and a floor area ratio ("FAR") of 8.5.
8. The Commission subsequently approved an interim use of the PUD Site, minor modifications to the PUD, and extensions of the PUD in Zoning Commission Orders Numbered 638-A, 638-B, 638-C, 638-D, and 638-E.
9. In 1998, the Commission approved the subdivision of the PUD Site and authorized two discrete buildings. The eastern half of the site, now known as Lot 83, was approved to allow the University of California to construct a mixed-use building for office, academic, and residential uses. The western half of the site, now known as the Project Site, was approved for the construction of a suites hotel. The Commission approved a density of 8.2 FAR for the PUD Site, with 3.05 FAR to be reserved to residential uses and 5.15 FAR to be allocated to office, academic, and commercial hotel uses. An 8.5 FAR was approved for the University's building and a 7.9 FAR was approved for the hotel. (Zoning Commission Order No. 638-F).

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10. The University of California subsequently purchased Lot 83 and constructed its project, which is the University of California's "Washington Center." A hotel was never constructed on the Project Site. (Zoning Commission Order No. 02-51.)
11. In 2000, the Human Rights Campaign ("HRC") and its affiliate, the Human Rights Campaign Foundation, entered into a contract to purchase Lot 82 from Rhode Island Associates Limited Partnership. In 2001, HRC filed an application to modify the approved PUD to change the permitted use for Lot 82 from commercial hotel to office building and substitute a new design and plans for the proposed headquarters building of HRC. A public hearing was conducted by the Commission on July 12, 2001. After the public hearing, HRC opted not to pursue the proposed development and informed the Commission that it was finalizing an offer from a hotel developer to construct a hotel project satisfying the requirements of Zoning Commission Order No. 638-F and simultaneously requested a one year extension of Order No. 638-F.
12. On September 17, 2001, the Commission voted to grant HRC's request to extend the PUD and tabled action on HRC's request to modify the approved PUD. (Zoning Commission Order No. 871-A).
13. HRC's hotel developer did not consummate the transaction and the property reverted to the Rhode Island Associates Limited Partnership. (Zoning Commission Order No. 02-51).
14. On September 5, 2003, the Commission granted another extension of the PUD until April 14, 2005. (Zoning Commission Order No. 02-51).
15. On April 12, 2005, Rhode Island Associates Limited Partnership filed a motion to modify the PUD and to simultaneously extend the PUD. The Partnership proposed an office building that was 110 feet in height, consisted of 130,870 square feet (8.5 FAR) and included up to 120 parking spaces. The Commission held a hearing on both requests on December 1, 2005. At that time, the Commission directed Rhode Island Associates Limited Partnership to revise its application and to apply for a modification via a two-stage PUD within six months. (Exhibit 2, p. 6; Transcript for December 1, 2005 Hearing, p. 36.)
16. On May 31, 2006, Rhode Island Associates Limited Partnership filed a first-stage application to modify an approved PUD. The Commission approved the First-Stage PUD on February 12, 2007, and granted the property owner one year to file the Second-Stage PUD application. More detail regarding the parameters of the First-Stage PUD are provided below. (Zoning Commission Order No. 02-51A.)
17. Rhode Island Associates Limited Partnership subsequently sold the Property to the Center for Strategic and International Studies, Inc. ("CSIS"). CSIS filed an application on June 26, 2009, to extend the validity of the First-Stage PUD. The Commission

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granted a one-year extension request on September 8, 2008. (Zoning Commission Order No. 02-51B.)

18. CSIS timely filed an application for Second-Stage PUD approval on November 18, 2008. The application sought approval of a 104 foot office building with a floor area ratio of 7.39 ("Project"). The building that is the subject of the Second-Stage application was designed by Hickok Cole architects. (Exhibit 3.)

Pre-Hearing Procedure

19. CSIS' Second-Stage application was set down for a public hearing at the Commission's January 12, 2009, public meeting. At the public meeting, the Commission requested additional information regarding (1) the feasibility of the loading; (2) the dimensions of the slit windows on the west side of the front façade; (3) details of the privacy screen on the east façade; and (4) a more thorough description of the building height.
20. The Office of Planning ("OP") submitted a report dated November 25, 2009, in support of setting the application down for a public hearing. OP noted that additional information was required regarding areas of zoning relief, the recipient of the affordable housing contribution, and the timing of payment of monetary contributions included in CSIS' benefits and amenities package. (Exhibit 12.)
21. CSIS filed its pre-hearing statement on April 10, 2009, and addressed each of the concerns raised by the Commission and OP. CSIS supplemented the record on June 3, 2009, with information regarding its witnesses and resumes for its experts. At the hearing on June 25, 2009, the Commission accepted Michael Hickok as an expert in architecture and Chris Kabatt as an expert in traffic engineering. (Exhibit 15.)

Modifications to First Stage PUD

22. The Second-Stage PUD varies from the First-Stage approval in eight primary respects: (1) access to the parking garage; (2) number of loading berths and parking spaces; (3) the terrace along the eastern wall; (4) its height; (5) the rooftop structures; (6) lot occupancy; (7) the depth of the rear yard; and (8) the grade of the garage ramps. (Exhibit 15, p. 6.)
23. The First-Stage PUD approved access to the garage directly from Rhode Island Avenue. The Second-Stage PUD design provides garage access from an existing alley to the west of the Project Site. This modification allows for the elimination of an existing curb cut on Rhode Island Avenue, which is strongly supported by both the District Department of Transportation ("DDOT") and the Advisory Neighborhood Commission ("ANC"). (Exhibit 3, p. 7; Exhibit 15, p. 7.)
24. The First-Stage PUD approved a speculative office building and required two loading berths and 90 parking spaces. The building that is the subject of the Second-Stage PUD

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will be built specifically as the headquarters of CSIS. As such, one loading berth can meet its needs. Given that CSIS will be the only building occupant, there will not be tenant movement into and out of the building. CSIS testified to having limited loading needs that can be met with one berth. CSIS is also reducing the number of parking spaces on-site to 78. Approximately one quarter of CSIS' employees live within walking distance of the Property. The Property is also well-served by public transit and car-share programs, which further render the need for extensive on-site parking unnecessary. (Exhibit 3, p. 8; Exhibit 15, p. 8.)

25. In order to protect the privacy of the University of California courtyard, the First-Stage PUD required certain windows along the eastern wall of the building to use specialized glass. The Second-Stage PUD design instead sets the building back five feet from the lot line at the fourth through ninth floors. It also incorporates a privacy screen, which is approximately 22 feet tall and 79 feet long and comprised of a mesh panel framed with galvanized painted steel tubes. The University of California supports the replacement of the specialized window glass with the proposed privacy screen. (Exhibit 3, p. 9; Exhibit 15, p. 9.)
26. The maximum height of the subject building was approved at 104 feet in the First-Stage PUD. The approved design in the Second-Stage PUD has a maximum height of 104 feet for the majority of the building. A limited portion of the roof along Rhode Island Avenue rises to a maximum height of 116 feet. The Commission finds that the enhanced architectural design justifies the flexibility in building height, particularly in light of the fact that the maximum height otherwise permitted in a C-4 PUD is 130 feet. (Exhibit 3, p. 10; Exhibit 15, pp. 9-12.)

Second-Stage PUD

27. Zoning Commission Order No. 02-51A approved the First-Stage PUD. It approved a commercial office building with a maximum density of 8.4 FAR and a gross floor area of 129,680 square feet. The maximum approved height for the building was 104 feet (to top of roof slab) and nine stories. The First-Stage approval required that at least 90 parking spaces be provided on-site in a below-grade garage. (Zoning Commission Order No. 02-51A.)
28. The Second-Stage PUD approves a commercial office building that will serve as the headquarters for the CSIS. It will have a maximum density of 7.39² FAR; a typical height of 104 feet, but a maximum height of 116 feet; a lot occupancy of approximately 99.5%; and will provide 78 parking spaces in a below-grade garage. (Exhibit 3, p. 7; Exhibit 15, p. 6.)

² Per the most recent Construction Code, the Applicant is considering reducing the size of the mechanical shafts in the building, which would increase the density to approximately 7.42 FAR.

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29. The rooftop structures are of varying heights and not setback from the building edges at a 1:1 ratio. CSIS has gone through great efforts to minimize the visibility of the roof structures, making their effect minimal. (Exhibit 3, p.11; Exhibit 15, pp.12-13.)
30. The office building occupies nearly the entirety of the Subject Property (99.5%) and will increase the lot occupancy for the entire PUD Site to approximately 98.7%. It will provide a 10-foot rear yard, measured from the centerline of the alley. CSIS minimizes the effect of the impervious surfaces by maximizing its green design package, including a green roof. The green roof will help manage storm water runoff and reduce the impervious surface area. (Exhibit 3, pp.11-12; Exhibit 15, pp.13-14.)
31. CSIS is providing internal garage ramps with a maximum grade in excess of 12%. The Commission finds no issue in providing ramps with a maximum grade of 16.5%. (Exhibit 15, p.14.)

PUD Evaluation Standards

32. The Second-Stage PUD is consistent with the PUD Evaluation Standards delineated in Chapter 24 of the Zoning Regulations. Specifically, the Project:
 - Is consistent with the Comprehensive Plan - The design is consistent with and furthers many of the District's goals and objectives.
 - Provides superior Urban Design, Architecture, and Landscaping - The building is located in the Dupont Circle neighborhood and is within walking distance of two Metrorail Stations and multiple bus lines. The building also replaces a surface parking lot with a commercial office building of superior design, thus providing infill development that will enhance the quality and safety of the pedestrian experience along Rhode Island Avenue. The building is consistent with "green" design principles and will reach the LEED-Silver level of sustainability.
 - Offers carefully crafted Site Planning - The Project is located in the heart of the District and along several public transportation routes. Moreover, it is infill development of a site that has been underutilized for a number of years. Constructing an office building of superior design on the site of a surface parking lot improves the aesthetics of the block, reduces stormwater runoff, and increases safety with additional activity on the block.
 - Provides Effective and Safe Vehicular and Pedestrian Access - The design moves garage access to on-site parking away from Rhode Island Avenue to the alley adjacent to the building. This reduces the possibility of queuing on Rhode Island Avenue and reduces conflicts with pedestrians since it eliminates the need for an existing curb cut along Rhode Island. The site plan simplifies vehicular access to promote vehicular efficiency and pedestrian safety.

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(Exhibit 3, pp. 18-21; Exhibit 15, pp. 23-25.)

Benefits and Amenities

33. CSIS will honor the benefits and amenities package approved in the First-Stage PUD, with the exception of a contribution for improvements to Scott Circle, which have already been completed. Instead of a contribution for Scott Circle improvements, CSIS will make a contribution to the Dupont Circle Village, a non-profit, community based “aging in place” program. CSIS’ contributions include:

- \$220,000 to constructing planned improvements in Stead Park;
- \$25,000 to Dupont Circle Village;
- \$25,000 to the Dupont Circle Citizens Association;
- \$20,000 to Ross Elementary School;
- \$10,000 to Francis Junior High;
- \$100,000 to Banc of America Community Development Corporation in support of its Parkside senior housing facility in the Parkside neighborhood of Northeast Washington;
- “Green” Building Package certifiable at a LEED-Silver level;
- Execution of a First Source Agreement;
- Participation in the Minority Business Opportunity Commission program.

(Exhibit 3, p. 20; Exhibit 15, pp. 24-25; Exhibit 24.)

34. Other benefits and amenities provided in connection with this PUD that have already been paid include:
- \$150,000 to Ross Elementary School; and
 - \$10,000 to Dupont Circle Resource Center.

Each of the benefits and amenities included in this paragraph have been paid in full or executed. (Exhibit 3, p. 20; Exhibit 15, pp. 24-25.)

Consistency with the District Elements of the Comprehensive Plan for the National Capital: (“Comprehensive Plan”)

35. The purposes of the Comprehensive Plan are to define the requirements and aspirations of District residents, and accordingly influence social, economic, and physical development; guide executive and legislative decisions and matters affecting the District and its citizens; promote economic growth in jobs for District residents; guide private and public development in order to achieve District and community goals; maintain and enhance the natural and architectural assets of the District; and assist in the conservation,

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stabilization and improvement of each neighborhood and community in the District. (Exhibit 3, pp. 21-24; Exhibit 15, pp. 25-29.)

36. This application is consistent with several citywide elements:

- Land Use Map - The Future Land Use Map designates the Property as appropriate for High Density Commercial development. This designation calls for promoting appropriate commercial development and is used to define major office employment centers on the downtown perimeter. It is characterized by office and mixed office/retail buildings greater than eight stories in height and is generally consistent with the C-4 Zone District. The CSIS office building is consistent with the Comprehensive Plan designation.
- Land Use Element - The Plan cites the importance of transit-oriented development. (LU-1.3). The Project Site is located a short walk from the Farragut North and Dupont Circle Metrorail Stations and is located along several bus routes. As such, it fulfills the Plan's desire for infill development near established transportation infrastructure.
- The Project has also been designed to integrate into the existing fabric of Rhode Island Avenue and to make it a cohesive corridor. The building design replaces a surface parking lot with a thoughtfully designed commercial office building. The new development will improve pedestrian safety and traffic circulation along Rhode Island Avenue by removing a curb cut. Ultimately, this Project is an appropriate infill development that will improve an underutilized site in a prominent location in the District. (LU-1.4).
- Transportation Element - The Plan supports transit-oriented development and encourages investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. Though this Project is within walking distance of two Metrorail stations, it is also located along a major bus corridor. Numerous bus routes travel down Rhode Island Avenue, making this location easily accessible by public transportation.

The Project is also aligned with the Plan's goal of supporting transit-oriented employment. Constructing a nine-story office building that is easily accessible by multiple modes of public transportation is consistent with this objective.

- Economic Development Element - The office building will serve as the headquarters for an international organization. Policy ED-2.1.2 of the Economic Development Element suggests promoting the qualities that favor the District as a headquarter for multi-national corporations and to construct incentive packages to encourage large corporations to locate and maintain their offices in the District. This development allows the District to retain the headquarters for the CSIS organization.

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The Economic Development Element encourages opportunities for build-to-suit/signature office buildings in order to accommodate high-end tenants and users and corporate headquarters. (ED-2.1.3.) This building is designed specifically for CSIS and meets the needs of their daily operations. The design incorporates creative architectural elements and high-quality materials, resulting in an elegant building of superior design.

This Element also supports continued growth of the office sector through infill development, which is consistent with this proposal. As stated previously, this office building improves an underutilized lot and replaces a surface parking lot along Rhode Island Avenue.

- Urban Design Element - The Urban Design Element of the Plan seeks to, among other goals, reinforce boulevards and gateways and improve the aesthetic character of the city's avenues. This building replaces a surface parking lot with a well-designed high-end office building along a prominent stretch of Rhode Island Avenue. Improving this underutilized site improves the streetwall along the Avenue, enhances the aesthetic of the street, and encourages additional pedestrian traffic. The superior design of the building contributes to the quality of the existing design in the surrounding neighborhood.
- Compliance with Area Element - The Project Site is located within the boundaries of the Central Washington Area Element and the Golden Triangle/K Street focus area. The Plan encourages maintaining the area as a prestigious employment center. CSIS is a prestigious international think-tank that interacts with national and foreign dignitaries on a daily basis. Keeping the CSIS headquarters in this area of DC and encouraging the construction of a high-quality office building support this goal.

The area element also encourages improving pedestrian safety by restricting the number of curb cuts along streets and improving certain streets for pedestrian use. This project eliminates an existing curb cut on Rhode Island Avenue, making it safer for pedestrian traffic. It also fills a vacant site that may be imposing to pedestrians who pass by it at night.

(Exhibit 3, pp. 21-24; Exhibit 15, pp. 25-29.)

Government Reports

37. OP submitted its final report on June 15, 2009. It recommended approval of the Second-Stage application on the condition that prior to the issuance of building permits, CSIS show proof of payment of the monetary contributions listed in Finding of Fact No. 28. OP also recommended requiring CSIS to submit a signed document to participate in the Department of Employment Services' First Source Employment and Minority Business

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- Opportunity Commission programs prior to the issuance of building permits. (Exhibit 20, p. 1.)
38. OP's report stated that CSIS required additional relief for a non-conforming court along the eastern wall of the building. CSIS indicated in its pre-hearing statement that it did not request the relief on the basis that it was enlarging an approved, non-conforming court located on the University of California property, rendering relief unnecessary. (Exhibit 20, p. 5; Transcript, p. 51.)
39. OP further stated that the "proposed environmentally-sensitive office building and streetscape improvements further [the themes of the Comprehensive Plan] by providing an appropriate infill development in the vicinity of a Metro station that features a signature office building and streetscape treatment. This proposal also keeps the headquarters of a renowned local institution within the District, thus retaining and possibly increasing the number of employment opportunities within the Central Employment Area of the District." (Exhibit 20, p. 9.)
40. OP concluded that the Second-Stage application was not inconsistent with the Comprehensive Plan. (Exhibit 20, p. 9.)
41. DDOT submitted a letter on June 23, 2009, in support of the application. DDOT supports the use of the existing alley to access the below-grade parking garage. It also applauds CSIS for locating its utility vaults in the alley. DDOT agreed that one loading berth and 78 parking spaces were sufficient to serve CSIS. DDOT further agreed with CSIS' analysis that there was sufficient room to accommodate trucks using the alley system to access the loading berth. (Exhibit 21, p. 2.)
42. DDOT recommended that CSIS designate an individual as the transportation coordinator for its transportation demand management program. It further recommended that as a part of the transportation demand management program, CSIS distribute information to its employees about ZipCar and information regarding bicycle route maps and bicycle safety. DDOT also recommended that the transportation demand management program include a \$20 SmarTrip card for each staff member upon moving into the new building. (Exhibit 21, p. 2.)

Advisory Neighborhood Commission Report

43. ANC 2B submitted a letter in support of the Second-Stage application on December 18, 2009. The letter reflected the ANC's unanimous support for the application on the condition that CSIS abide by the benefits and amenities package proffered in the First-Stage PUD application. (Exhibit 13.)

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Persons in Support

44. HRC wrote a letter dated February 26, 2009, in support of the application. It states that HRC “support[s] the building design and [looks] forward to the addition of this striking and beautiful building to our neighborhood.” (Exhibit 15, Exhibit G.)
45. No person or party appeared in opposition to the PUD modification at the public hearing.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality developments that provide public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience.” (11 DCMR § 2400.2.) The application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.
2. Under the PUD process, the Commission has the authority to consider this application as a two-stage PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards.
3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
4. The Commission notes that the zoning for the property will not change and the PUD Site meets the minimum area requirements under the Zoning Regulations.
5. The Commission agrees with the testimony of the project architect and the representative of CSIS and believes that this project does in fact provide superior features that benefit the surrounding neighborhood. The Commission believes that the design and site planning of the project encourages use of public transportation and promotes green design.
6. The Commission finds that the bulk and height of the office building is appropriate for the Project Site as it complements the heights of both the HRC building to the west and the University of California building to the east. It finds that the maximum height of the building is 116 feet, which is appropriate given its context and the building’s design. The Commission also finds that flexibility is necessary with regard to the building density to allow CSIS to accommodate the guidelines set forth in the Building Code.

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7. Approval of the application will promote the orderly development of the Property in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map of the District of Columbia.
8. Approval of the Second-Stage PUD is not inconsistent with the Comprehensive Plan. The Commission agrees with the determination of OP in this case and finds that the proposed project is consistent with and fosters numerous citywide elements of the Comprehensive Plan.
9. The Commission agrees with the conclusions of the Applicant's traffic and parking expert, as well as the conclusions of DDOT that the proposed project will not create any adverse traffic or parking impacts on the surrounding community. The Commission finds that one loading berth and 78 parking spaces are sufficient to serve CSIS. It further agrees that there is adequate space for trucks to maneuver into and out of the loading dock.
10. The benefits and amenities provided by the Project, particularly its contributions to the community, its green design features, and affordable housing contribution, are reasonable for the development proposed in this application.
11. The proposed modifications to the First-Stage PUD are reasonable and necessary to the success of this Project. They will not adversely affect the public or diminish the amenities offered by the Project.
12. In accordance with D.C. Official Code §1-309.10(d), the Commission must afford great weight to the issues and concerns of the affected ANC. The Commission takes note of ANC 2B's letter in support of the project, and has accorded to the ANC's decision to support the project the "great weight" consideration to which it is entitled.
13. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code §6-623.04) to give great weight to OP recommendations. The OP report qualified its support of the Project on grounds that the Applicant did not specify that it needed relief to allow additional side court along the eastern wall of the building, and that the Applicant should be required to make the monetary contributions, and execute its First Source Agreement proffered as project benefits prior to the issuance of a building permit. The Commission carefully considered OP's report and testimony in support of the project, agrees with the Applicant that no side yard relief is required, and has incorporated conditions adopting OP's other recommendations, and therefore gives OP the "great weight" consideration to which it is entitled.
13. Notice of the public hearing was provided in accordance with the Zoning Regulations.

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14. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the modification to the First-Stage PUD approval as set forth in Findings of Fact 22 through 26 and the application for second-stage review of a Planned Unit Development for the Property as defined previously herein. The approval is subject to the following guidelines, conditions, and standards:

1. The Second-Stage PUD shall be developed in accordance with the plans and materials submitted by the Applicant and marked as Exhibits 3, 15, and 24 in the record, as modified by the guidelines, conditions, and standards of this Order. The plans shall reflect a two and one-half foot setback from the western alley for a height of 15 feet.
2. The building shall be constructed to be certifiable at a LEED-Silver level of sustainability.
3. In accordance with Condition 7 of the First-Stage PUD, the Partnership must submit proof of payment of the following contributions to the Zoning Administrator prior to issuance of a building permit: \$220,000 to planned improvements in Stead Park; \$25,000 to Dupont Circle Village; \$25,000 to the Dupont Circle Citizens Association; \$20,000 to Ross Elementary School; \$10,000 to Francis Junior High; and \$100,000 to Banc of America Community Development Corporation for its Parkside senior living facility. In the event the above-referenced recipients complete their improvements prior to payment of these contributions, CSIS shall work with the ANC in designating another recipient for monetary contribution.
4. CSIS shall execute agreements with the District of Columbia Office of Employment Services for participation in its First Source Employment and Minority Business Opportunity Commission programs prior to the issuance of a building permit for the Project.
5. CSIS shall establish a transportation demand management program that requires CSIS to distribute information to its employees regarding the ZipCar program and nearby ZipCar locations, local bicycle routes, and bicycle safety. CSIS shall also provide each staff member with a one-time SmarTrip card with a value of \$20 upon moving into its new location at 1616 Rhode Island Avenue, N.W. Finally, CSIS shall designate an individual as its transportation demand management coordinator.
6. The Applicant shall have flexibility with the design of the PUD in the following areas:

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- To vary the location and design of all interior components, including, but not limited to, partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structures;
 - To vary final selection of the exterior materials within the color ranges and materials types as proposed, without a reduction in quality, based on the availability at the time of construction; and
 - To make minor refinements to exterior details and dimensions, including belts, courses, sills, bases, cornices, railings, and trim or any other changes to comply with the D.C. Building Code or that are otherwise necessary to obtain a final building permit.
7. No building permit shall be issued for the Project until the Applicant has recorded a covenant among the land records of the District of Columbia between the owner and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct on or use the property in accordance with this order and any amendment thereof by the Zoning Commission.
8. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order. Within such time, an application must be filed by CSIS for a building permit as specified in 11 DCMR § 2409.1. Construction shall begin on the Project within three years of the effective date of this order.
9. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

For the reasons stated above, the Commission concludes that the Applicant has met the burden; it is hereby **ORDERED** that the application be **GRANTED**.

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On June 25, 2009, upon motion of Chairman Hood, as seconded by Commissioner Keating, the Zoning Commission **APPROVED** the application at the end of the hearing on this case by a vote of **4-0-1** (Anthony J. Hood, William W. Keating, III, Konrad W. Schlater, and Peter G. May to approve; Michael G. Turnbull not present, not voting).

On July 27, 2009, upon motion of Chairman Hood, as seconded by Commissioner Schlater, the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, William W. Keating, III, Konrad W. Schlater, and Peter G. May to adopt; Michael G. Turnbull, not having participated, not voting).

In accordance with the provisions of 11 DCMR 3028, this Order shall become final and effective upon publication in the *D.C. Register* on August 14, 2009.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**ZONING COMMISSION ORDER NO. 03-12G/03-13G****Z.C. Case No. 03-12G/ 03-13G****(Second Stage PUD Approval and Modification to the First Stage Approval for Property Located in Squares 769 and 882) Capper/Carrollsbury Venture, LLC and DCHA
June 8, 2009**

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on March 19, 2009, to consider an application from Capper Carrollsbury Venture, LLC and the District of Columbia Housing Authority ("DCHA") (collectively, the "Applicant") for second stage PUD approval and modifications to the first stage approval for property located in Squares 769 and 882 preliminarily approved by Order No. 03-12/03-13. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT**Background and Prior Capper Carrollsbury Approvals**

1. On March 21, 2003, the Applicant filed applications seeking preliminary and consolidated approval of two PUDs for property located in the Southeast quadrant of Washington, D.C. and generally bounded by 2nd Street on the west, 7th on the east, Virginia Avenue on the north, and M Street on the south. The property consists of approximately 927,000 square feet of land area.
2. In fulfillment of housing, economic and social goals on both the local and national level, the overall development will provide the one-for-one replacement and redevelopment of one of the most severely deteriorated public housing projects in the city. The project is made possible, in part, by a HOPE VI grant from the U.S. Department of Housing and Urban Development. The provision of the residential and office buildings included in this application will significantly advance the overall goals of the PUD by providing financial leverage and support for the construction of the replacement public housing.
3. The Commission consolidated the two PUD applications. Pursuant to Order No. 03-12/03-13, effective October 8, 2004, the Commission granted preliminary approval of the PUD for the following properties: Square 737, those portions of Lot 814 and Reservation 17A that lie south of the southern right-of-way line of I Street extended; Square 799, Lots 20, 27, 28, 29, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 803, 805, 807, 808, 809, 816, 818, 819, 825, 826, and 827; Square 800, Lots 25, 26, 27, and 28; Square 824, Lots 37, 38, and 39; Square N853, Lot 809; Square 880, Lot 24; Square W881, that part of Lot 800 within 132 feet of 5th Street; Square 882, Lot 76; and all of Squares 739, 767, 768, 769, 797, 798, 825, and S825.
4. The Commission also granted consolidated approval of the PUD for the following properties: Square 824, Lots 37, 38, and 39; Square S825, Lots 31, 32, and 33; Square

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880, Lot 24; and all of Squares 797, 798, and 825. The Commission granted a PUD-related map amendment to rezone the following properties from R-5-B to CR upon completion of the second-stage approval of the PUD: Square 769, that portion lying more than 145 feet from the northern right-of-way line of M Street (including a portion of Reservation 17D); Square 882, that portion lying south of the midpoint of the Square; and all of Squares 767 and 768 (including Reservations 17B and C).

5. Pursuant to Order No. 03-12B/03-13B, the Commission approved a minor modification to allow for construction of the multi-family building in Square 825S to a height of 48 feet, 3¾ inches.
6. On April 29, 2005, the Applicant filed the first in a series of applications seeking second-stage approval for portions of the project preliminarily approved pursuant to Order No. 03-12/03-13. That application also sought approval to modify portions of the parking requirements for the consolidated PUD approval. The application included Lots 44, 45, 46, 47, 48, 49, 50 in Square 799; Lots 20, 25, 26, 27, 28, 816, 818, 819, and 820 in Square 800; and Square 881W, and is identified as Case No. 03-12A/03-13A. That application was approved pursuant to Order No. 03-12A/03-13A.
7. On April 21, 2006, Square 769, LLC in conjunction with DCHA, filed the second in a series of applications seeking second-stage approval for portions of the project preliminarily approved pursuant to Order No. 03-12/03-13. That application included parts of Lots 18, 20 and 21 in Square 769 and is identified as Case No. 03-12C/03-13C. That application was approved pursuant to Order No. 03-12C/03-13C. The Commission also approved a modification to increase the building's measured building height from 110 feet to 130 feet, and to increase the gross floor area of the building from 207,785 square feet to 234,182 square feet. (Order No. 03-12F/03-13F.)
8. The Commission approved a minor modification to change the designation of the multi-family building in Square 825S such that it is not required to be exclusively senior housing. (Order No. 03-12D/03-13D.)
9. Pursuant to Order No. 03-12E/03-13E, the Commission approved a minor modification to allow for Squares 767, 768, and 882 to be used as temporary surface parking lot accessory to the new Nationals ballpark for a period of no more than five years.

The Current Application, Parties, and Hearing

10. This application is the third in a series of applications seeking second-stage approval for portions of the project preliminarily approved pursuant to Order No. 03-12/03-13.
11. As part of this application, the Applicant proposes to construct two multi-family dwelling buildings and an office building. Specifically, the Applicant proposes to construct: (a) a 110-foot high multi-family dwelling building on the northern portion of Square 769; (b) a

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60-foot high multi-family dwelling building on the northern portion of Square 882; and (c) a 92-foot high office building on the southern portion of Square 882. This application collectively includes approximately 370,588 square feet of gross floor area devoted to residential uses, approximately 499,780 square feet of gross floor area devoted to office use, a minimum of 19,090 square feet of gross floor area devoted to retail use, and 608 off-street parking spaces. The portion of Square 769 included in this application and the entirety of Square 882 are collectively referred to in this order as the "PUD Site."

12. On July 3, 2008, the Applicant filed an application seeking second stage approval for the buildings in Squares 769 and 882, modifications to certain provisions of the prior PUD orders not affecting Squares 769 and 882, an extension of time to file the building permit for the community center building in Square 881W, and a extension of the overall PUD approval.
13. At its public meeting on September 8, 2008, the Commission instructed the Applicant to file a separate application for each of the requested actions being sought by the Applicant.
14. On September 18, 2008, the Applicant submitted separate application materials for: (1) second stage review and approval of a PUD and modifications for property located in Squares 769 and 882 (Case No. 03-12G/03-13G); (2) approval to modify conditions of the first-stage approval related to remaining portions of the overall PUD to be developed in Squares 739, 767 and 768, and conditions relating to the number of parking spaces required for the multifamily building in Square 825S (Case No. 03-12H/03-13H); and (3) an extension of time for the validity of the first-stage PUD approval, and additional time to file a building permit application and commence construction of the community center in Square 881W (Case No. 03-12I/03-13I).
15. At is public meeting on October 20, 2008, the Commission voted to schedule a public hearing on the applications.
16. On December 5, 2008, the Applicants submitted a Prehearing Statement, along with revised Architectural Plans and Elevations. (Exhibits 19 and 20.) The Prehearing Statement included clarification of the second stage components and requested modifications, clarification of the relief requested from the Zoning Regulations, and additional materials required pursuant to § 3013 of the Zoning Regulations.
17. After proper notice, the Commission held a combined public hearing on the applications on March 19, 2009. The parties to the case were the Applicant, Advisory Neighborhood Commission ("ANC") 6D, the ANC within which the property is located, and ANC 6B, the adjacent ANC.
18. Five principal witnesses testified on behalf of the Applicant at the March 19, 2009 public hearing, including David Cortiella, on behalf of the DCHA; Dan McCabe, on behalf of

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Capper Carrollsburg Venture, LLC; Steven Gang, on behalf of The Lessard Group, as an expert in architecture; Shalom Baranes, on behalf of Shalom Baranes Associates, as an expert in architecture; and Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP, as an expert in land use and zoning. Based upon their professional experience, as evidenced by the resumes submitted for the record, Mr. Gang, Mr. Baranes, and Mr. Sher were qualified by the Commission as experts in their respective fields.

19. The Office of Planning (“OP”) testified at the public hearing in support of the project.
20. ANC 6D submitted a letter and resolution (Exhibit 7 in Case No. 03-12I/03-13I) indicating that at a duly noticed public meeting on March 9, 2009, at which a quorum was present, ANC 6D voted 5-1-1 to support the application to extend the first stage approval and phasing of the overall PUD (Case No. 03-12I/03-13I), for the second stage approval for property in Squares 769 and 882 (Case No. 03-12G/03-13G), for modifications to the remaining portions of the overall PUD's density (Case No. 03-12H/03-13H), but only on condition that the Commission require the Applicant to file a building permit application for the community center building in Square 881W by January 1, 2010, to commence construction of the community center by January 1, 2011, complete construction of the community center by July 1, 2012, and commit to provide 50 parking spaces at 600 L Street, S.E. for certified health care workers who care for seniors in 900 5th Street, S.E. and 410 M Street, S.E. until construction commences on 600 L Street, S.E. The ANC 6D letter did not indicate that it authorized anyone to present the ANC report at the public hearing, as required pursuant to 11 DCMR § 31012.5(h).
21. ANC 6B submitted a letter (Exhibit 5 in Case No. 03-12I/03-13I) indicating that at its regularly called and properly noticed meeting on February 10, 2009, with a quorum present, ANC 6B voted unanimously (8-0) to oppose modifications, but to support the time extension for the PUD to 2013. ANC 6B indicated that it opposed the modifications because it was concerned that the amount of open, green space would be reduced; it opposed the increase in the height of the office building; and it opposed further delay in the construction of the community center building in Square 881W. The ANC 6B letter did not indicate that it authorized anyone to present the ANC report at the public hearing, as required pursuant to 11 DCMR § 31012.5(h).
22. Kenan Jarboe, an ANC 6B Commissioner, testified at the public hearing in his individual capacity, and indicated that the ANC opposed the applications, but would remove its opposition if: (1) the height of the office building in Square 882 be maintained at 90 feet and measured from the M Street side of the building; (2) the apartment building in Square 882 be reconfigured to include as much open space as would have been on that site if developed as townhomes; and (3) the community center be built at the same time as the residential units. (Exhibit 32.)

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23. Robert Siegel, an ANC 6D Commissioner, testified at the public hearing in his individual capacity, and indicated that he had no objections to Case No. 03-12G/03-13G seeking second stage review and approval of modifications for property located in Squares 769 and 882. (Exhibit 33.) Mr. Siegel opposed the parking reductions requested in Case No. 03-12H/03-13H because he indicated there is a parking problem in the area. Mr. Siegel also opposed the requested extension of time to start construction of the community center building, but he supported the requested extension for the remaining portions of the development.
24. Ron McBee, an ANC 6D Commissioner, testified at the public hearing in his individual capacity, and indicated that he supported the requested increase in office building height and other modifications proposed under applications 03-12G/03-13G and 03-12H/03-13H, with the exception of the request to reduce the amount of parking, and that he opposed the requested extension of time to start construction of the community center building. (Exhibit 34.)
25. David Meadows, an individual residing at 305 K Street, S.E., testified that he did not oppose the proposal to increase the office building's height in Square 882, or to redesign the residential building in Square 882 and to increase its height, as requested pursuant to Case No. 03-12G/03-13G. (Exhibit 35.) Mr. Meadows indicated that he opposed the modifications requested pursuant to Case No. 03-12H/03-13H, and he took no position concerning Case No. 03-12I/03-13I.
26. Ms. Deborah Frazier and Ms. Olena Oliphant opposed the design of the residential building in Square 882, and also testified that DCHA has not implemented the job training and counseling portions of the Community Supportive Services Program required as part of the first stage approval.
27. On April 6, 2009, the Applicant submitted a Post-hearing Statement (Exhibits 83-90). The submission included: (a) information from DCHA indicating the actions taken to date to implement the Community Supportive Services Program for former residents of Capper Carrollsburg, including employment preparation and placement, job skills training programs, high school or equivalent education programs, childcare, and counseling programs; (b) a matrix indicating the overall number and location of market rate, workforce, Section 8 and public housing units; (c) supplemental Plan sheets and a memorandum prepared by the architect indicating the changes made to the plans in response to the comments raised by the Zoning Commission; (d) a memorandum to the District Department of Transportation ("DDOT") indicating that the Applicant has addressed DDOT's report dated March 16, 2009; (e) information regarding programming for the senior building located in Square 880; (f) a letter from the property manager of the senior building located in Square 880 and the multi-family building in Square 825S confirming that DCHA has provided a sufficient number of parking passes for the health care professionals that work at these buildings; and (g) sheets showing the materials

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boards for the residential building in the northern portion of Square 769 and the residential and office buildings in Square 882.

28. At its public meeting on April 27, 2009, the Commission reopened the record to accept letters from the United States Marine Corps, Marine Barracks and the Department of the Navy, Headquarters United States Marine Corps, as well as the Applicant's response to the letters. The Navy and Marine Barracks letters expressed concern about the proposed increase in height of buildings on the northern portion of Square 882, which is located across the street from barracks facilities of the Marine Corps. The Applicant objected to reopening the record, but also responded to the letters, stating that the Marines' claim that the building heights would compromise security was unsubstantiated and that the proposed building heights would have "no or minimal impacts" given prior approvals of the office building, approval by the District and National Capital Planning Commission of similar projects, and drawings showing that "the difference between the approved 90 foot building height and the proposed 92 foot building is imperceptible."
29. At its public meeting on April 27, 2009, the Zoning Commission took proposed action to approve the application and plans that were submitted to the record.
30. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated June 4, 2009, advised the Commission that the proposed PUD would not be inconsistent with the Comprehensive Plan for the National Capital or adversely affect any other identified federal interest, subject to the Commission including in its final action the conditions set forth in letters dated June 1, 2009 from the Department of the Navy and the U.S. Marine Corps and a letter dated June 4, 2009 from the Applicant.
31. The Commission took final action to approve the application, as modified, on June 8, 2009.

The PUD Project

Site and Area Description

32. The property that is the subject of this application consists of the northern portion of Square 769 and the entirety of Square 882. Square 769 is bounded by L Street to the north, 3rd Street to the east, M Street to the south, and 2nd Street to the west. Low-rise residential units approved as part of the overall PUD are in the process of being constructed in Squares 799 and 800, which are located to the northeast of Square 769. A portion of the Canal Blocks Park is located to the immediate west of Square 769, and the recently approved 250 M Street office will be constructed in the southern portion of the square.

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33. Square 882 is bounded by L Street, S.E. on the north, 7th Street, S.E. on the east, M Street, S.E. on the south, and U.S. Reservation 19-A and the Van Ness School on the west. The U.S. Marine Corps Barracks and playing fields are located across L Street to the immediate north of the property. The "Yards at Southwest Federal Center" PUD and the Washington Navy Yard are located across M Street to the immediate south of Square 882.
34. The portion of Square 769 included in this application has a land area of approximately 21,154 square feet and is zoned CR. Square 882 has a land area of 158,214 square feet. The portion lying north of the midpoint of Square 882 is zoned R-5-B and the portion lying south of the midpoint of the Square is zoned CR. The PUD Site has a combined land area of approximately 179,368 square feet.
35. The overall area surrounding the PUD Site is characterized by a mixture of uses, including new residential, office, commercial and retail uses. The newly constructed Washington Nationals baseball stadium is located to the southwest of the PUD Site. In addition, the Navy Yard Metrorail Station has entrances at the southeast corner of M and Half Streets, and the northwest corner of M Street and New Jersey Avenue.

Square 769 Residential Building

36. The Applicant is seeking approval to construct a 110-foot, multi-family building on the northern portion of Square 769. The building will include approximately 177,330 square feet of residential gross floor area and approximately 4,090 square feet of ground-floor retail area. The retail uses are located adjacent to 2nd Street and facing the Canal Blocks Park, which will help to reinforce a pedestrian friendly streetscape. A total of 152 self-park parking spaces will be provided in a two level parking garage, and loading facilities will be provided from a private drive located on the south side of the building.
37. The building will include 171 residential units, with 34 of the units (20%) dedicated to households earning less than 60% of the Area Median Income, adjusted for family size. The building will also include 7,600 square feet of residential amenity space, including interior space and a courtyard, which will be fully accessible to all residents of the building.
38. The Applicant is also seeking modifications regarding the density and number of parking spaces for the residential building in Square 769. Specifically, the Applicant seeks to increase the number of units in this building from 107 to 171 units and to increase the overall gross floor area from 169,906 square feet to 181,420 square feet for this building. The Applicant also proposes to increase the number of parking spaces from 107 to 152 spaces in this building.

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Square 882 Residential Building

39. The Applicant proposes to construct a multi-family building on the northern portion of Square 882. This building will include approximately 189,168 square feet of residential gross floor area and will be constructed to a maximum height of 60 feet. The building will include 189 residential units, with 38 units (20%) dedicated to households earning less than 60% of the Area Median Income, adjusted for family size. The building will also include approximately 5,764 square feet of residential amenity space, including four courtyards and an indoor pool and exercise room. The building amenities will be available to all residents of the building. In addition, 172 parking spaces will be located in a below-grade parking garage, and loading facilities will be provided in a private drive located on the south side of the building.
40. The Applicant is also seeking modifications regarding the design of the residential building in Square 882. Specifically, the Applicant seeks to change the development from low-rise townhomes to a mid-rise apartment house. The Applicant also proposes to increase the number of units in this building from 75 to 189 units, to increase the gross floor area from 131,288 square feet to 189,168 square feet, and to increase the number of parking spaces from 49 to 172 spaces in this building.

Square 882 Office Building

41. The third building included in this application is the proposed office building on the southern portion of Square 882. The office building will have an overall gross floor area of 499,780 square feet and a building height of 92 feet. The building will include a minimum of 15,000 square feet of retail space and 284 below-grade parking spaces.
42. The Applicant is also seeking modifications regarding the design of the building and the number of parking spaces for the office building in Square 882. The Applicant proposes to increase the building's gross floor area from 496,000 square feet to 499,780 square feet. In addition, the Applicant proposes to increase the building's height by two feet (from 90 feet to 92 feet) in order to achieve the required minimum retail ceiling height of 14 feet approved in the first stage PUD without losing one floor of the office space. The Applicant is also seeking a modification to reduce the amount of required parking for the office building from 400 to 284 off-street parking spaces, which meets the requirement of § 2101 of the Zoning Regulations.

Matter-of-Right Development Under the Existing R-5-B and CR Zoning

43. Pursuant to the first stage approval, a portion of the PUD Site in Square 882 is zoned R-5-B and a portion in Squares 769 and 882 is zoned CR. The Applicant is not seeking to change the zoning of the PUD Site in connection with this Application.

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44. The R-5 Districts are general residence districts designed to permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts. The R-5 Districts also permit the construction of institutional and semi-public buildings that would be compatible with adjoining residential uses. (11 DCMR § 350.1). The R-5-B District is designed to permit moderate height and density developments. (11 DCMR § 350.1.)
45. Pursuant to § 350.4(c) of the Zoning Regulations, multiple dwelling units are permitted in R-5 Districts as a matter-of-right. Pursuant to § 400.1 of the Zoning Regulations, the height of buildings in the R-5-B District shall not exceed 50 feet, and there is no limitation on the number of stories. If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building, such roof structures are permitted above the building height for an additional eighteen feet, six inches if set back from the edge of the roof by 1:1 ratio. (11 DCMR § 400.7.) The maximum permitted floor area ratio ("FAR") in an R-5-B District for all structures is 1.8, and the maximum percentage of lot occupancy is 60%. (11 DCMR §§ 402.4, 403.2.)
46. Buildings in the R-5-B District are required to provide a rear yard with a minimum depth of four inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet. (11 DCMR § 404.1.) Pursuant to § 405.6 of the Zoning Regulations, side yards are not required in R-5-B Districts. Further, pursuant to § 406.1 of the Zoning Regulations, where a closed court is provided in a R-5-B District, the court shall have a minimum width of four inches per foot of height of court, but not less than 15 feet, and a minimum area equal to twice the square of the required width of court dimension based on the height of court, but not less than 350 square feet.
47. An apartment house or multiple dwelling in the R-5-B District must provide one parking space for each two dwelling units. (11 DCMR § 2101.1.) The off-street loading requirement for an apartment house or multiple dwelling with 50 or more dwelling units in all zone districts is one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. (11 DCMR § 2201.)
48. The CR zoning classification permits office, residential, hotel, retail/service, and certain other uses. (11 DCMR § 601.1.) The maximum permitted matter-of-right height in the CR District is 90 feet. (11 DCMR § 630.1.) In the CR District, the maximum density permitted is 6.0 FAR, all of which may be residential, but of which not more than 3.0 may be used for other than residential purposes. (11 DCMR § 631.1.) This limitation does not apply to any portion of the building which is totally below-grade, and therefore not included in gross floor area.
49. Pursuant to § 633.1 of the Zoning Regulations, new developments in the CR District are required to provide an area on-site that is equivalent to 10% of the total lot area as public space at ground level. The area devoted to public spaces must: (a) be located

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immediately adjacent to the main entrance to the principal building or structure on the lot; (b) serve as a transitional space between the street or pedestrian right-of-way and the building or structure; (c) be open to the sky or have a minimum vertical clearance of one (1) story or ten feet (10 ft.); (d) be suitably lighted and landscaped for public use, and may be utilized for temporary commercial displays; and (e) be open and available to the general public on a continuous basis. (11 DCMR §§ 633.2 to 633.5). The on-site area devoted to public space is not charged against the gross floor area of the building. (11 DCMR § 633.6.)

50. There is no lot occupancy limitation for office or retail uses in the CR District. (11 DCMR §§ 634.2 and 634.3.) In addition, pursuant to § 636.1 of the Zoning Regulations, a rear yard is not required for non-residential buildings or structures in the CR District. No side yard is required for any structure located in the CR District. (11 DCMR § 637.1.) However, if a side yard is provided, its minimum width must be three inches per foot of building height, but not less than eight feet. (11 DCMR § 637.2.)
51. Where an open court is provided in the CR District for a non-residential building, the court must have a minimum width of two and one-half inches per foot of height of court, but not less than six feet. (11 DCMR § 638.1(b).) Where a closed court is provided in the CR District for a non-residential building, the court must have a minimum width of two and one-half inches per foot of height of court, but not less than 12 feet, and an area of twice the square of the required width of court dimension. (11 DCMR § 638.2(b).)
52. An office use in the CR District in excess of 2,000 square feet must provide one parking space for each additional 1,800 square feet of gross floor area, a retail establishment in excess of 3,000 square feet must provide one parking space for each additional 750 square feet of gross floor area, and an apartment house must provide one parking space for each three dwelling units. (11 DCMR § 2101.1.) The off-street loading requirement for an office building in the CR District with more than 200,000 square feet of gross floor area is three loading berths at 30 feet deep, three loading platforms at 100 square feet, and one service/delivery loading space at 20 feet deep. (11 DCMR § 2201.)

Flexibility From Zoning Regulations

53. The Applicants requested the following areas of flexibility from the Zoning Regulations:
 - a. *Flexibility from Roof Structure Requirements.* The Applicant requests flexibility from the roof structure requirements of the Zoning Regulations because the roof structure located on the residential building in Square 769 cannot be set back from all exterior walls a distance equal to its height above the roof (§§ 411.2 and 770.6(b)) due to the U-shape of the roof and the width of the residential wings, the carve-outs at portions of the building to extend the courtyard, and the height of the roof structures. The proposed roof structure is a necessary feature of the building and meets the setback requirement for all street frontages. Relief is only

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required for the portions of the roof structure near the court yard walls. In addition, the Applicant is providing the greatest setbacks possible given the size and shape of the roof and the internal configuration of the proposed building. The requested roof structure design will not adversely impact the light and air of adjacent buildings. Therefore, the Commission finds that the intent and purposes of the Zoning Regulations will not be materially impaired and the light and air of adjacent buildings will not be adversely affected.

- b. *Flexibility from the Loading Requirements.* Pursuant to § 2201.1 of the Zoning Regulations, an apartment house or multiple dwelling with 50 or more dwelling units in any zone district is required to provide one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. As shown on the site plan and development data table for the residential building in Square 769, the building will include one 38-foot-deep loading berth and one 200-square-foot loading platform. The building thus requires relief from the loading berth size requirement and the requirement to provide a service/delivery loading space.

The Applicant designed the loading facilities to meet the needs of the residents, given the number of units, the unit sizes, the anticipated infrequency of loading activity for the residential uses, and the typical size of trucks used for moving into and out of residential developments. However, the Applicant cannot provide more loading because doing so would have an adverse impact on the design and layout of the first floor of the building, such as the location of the elevator core, and would decrease the amount of proposed retail space. Moreover, as indicated in the analysis prepared by the Applicant's traffic expert, the amount and location of loading facilities will be appropriate for the residential uses and will not have an adverse impact on public space or pedestrian activity. Thus, the Commission finds that approving the project with the proposed loading facilities will not have an adverse impact on the project or the neighborhood.

- c. *Flexibility from the Public Space at Ground Level Requirements.* The residential building to be constructed in the northern portion of Square 769 will be located in the CR Zone District. Pursuant to § 633.1 of the Zoning Regulations, an area equivalent to 10% of the total lot area must be provided as public space at the ground level for all new developments in the CR zone. The residential portion of Square 769 has a lot area of approximately 21,154 square feet, and is thus required to provide 2,115 square feet of public space at the ground level. However, the Applicant requests flexibility to waive this requirement since, due to the building's footprint and proposed ground-floor retail uses, the building is not proposed to include any public space at the ground level which meets the requirements of § 633. The Commission finds that flexibility from § 663.1 is warranted since the building will include approximately 4,090 square feet of

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ground floor retail uses that will be available to the public and help to activate the streetscape along 2nd and M Streets. The building will also include 2,370 square feet of roof terrace space provided at the second floor level in the north-south facing courtyard. In addition, the building site is located to the immediate west of the Canal Blocks Park, which will provide active and passive recreation space for the public.

- d. *Lot Occupancy.* The Applicant is seeking flexibility from the lot occupancy requirement for the residential building in Square 882. Pursuant to § 403.2 of the Zoning Regulations, the proposed building is permitted to have a maximum lot occupancy of 60%. However, the building has a proposed lot occupancy of 68%. The proposed building cannot meet the lot occupancy limitation due to its design as an apartment building, as opposed to townhomes, and the proposed floor plates. Square 882 has a steep change in grade from east to west, which impacts the footprint of the proposed building. The Commission finds that flexibility from the lot occupancy requirement is appropriate since the building will include four open courtyards at or near grade, which will help to provide adequate light, air and ventilation for the building occupants, consistent with the underlying purposes of the lot occupancy requirement. Moreover, the residential lot occupancy for the overall PUD will not exceed 54%, which is consistent with Condition No. 9 of the First Stage Order.
- e. *Phasing of the Office Building in Square 882.* The Applicant is seeking flexibility to construct the office building in two phases in order to respond to market conditions. Given that market conditions may require the office building to be constructed in two phases, a temporary portion of the shared facade could be exposed in the interim between phases. In order to address the appearance of this facade, the Applicant has designed a stucco finish infill wall rendered in a color that will match the adjacent brick. Score patterns in the stucco will reflect the overall fenestration of the building. A "green screen" trellis, utilized in other permanent locations on the project, will be attached to the wall to provide an armature for vegetation to climb from planters located at the base of the screen. The design of the temporary wall condition will be similar for either phase of the building. Although it is only temporary in nature, the Applicant believes the design of this wall will be an attractive visual composition which will contribute positively to the greenscape of the project and the neighborhood. The Commission finds that phasing of the office building in Square 882 will not have any adverse impacts.
- f. *Additional Areas of Flexibility.* The Applicant also requests flexibility in the following areas:

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- (a) To be able to increase or decrease the number of units by five percent within the maximum gross floor area specified for each residential building.
- (b) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building.
- (c) To vary the number, location and arrangement of parking spaces, provided that the total number of parking spaces is not reduced below the minimum level required.
- (d) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Construction Code or that are otherwise necessary to obtain a final building permit.
- (e) For the office building in Square 882, in the event the building has a single tenant, or the loading facilities can be shared among tenants, to provide a minimum of three loading berths at 30 feet deep, three loading platforms at 100 square feet, and one service/delivery space at 20 feet deep, provided that the total amount of loading facilities is not reduced below the minimum level required.
- (f) For the office building in Square 882, in the event the building has a single tenant, or if the owner determines that a single garage entrance can be shared among tenants, to be able to remove the parking garage entrance located on 7th Street.

Office of Planning Report

- 54. By report dated August 29, 2008, OP recommended that the Commission schedule a public hearing on the applications. (Exhibit 12).
- 55. By report dated October 10, 2008, OP indicated that the Applicant submitted the information requested by the Commission at the September 8, 2008 public meeting, and that after reviewing the additional materials, OP continued to recommend that the Commission schedule a public hearing on the applications. (Exhibit 17.)

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56. By report dated March 9, 2009, OP recommended approval of the application. (Exhibit 25.) OP reviewed in detail each portion of the applications and recommended that the Commission approve the residential buildings in Squares 769 and 882 and the office building in Square 882 in accordance with the proposed modifications requested by the Applicant. OP also requested that the Applicant: (a) submit information regarding the relationship between the requested parking reductions to the supply of on-street parking; (b) clarify the parking reductions or increases being requested for individual buildings and the overall net reduction requested; (c) provide a LEED checklist for both residential buildings; (d) provide a specific range for the number of residential units for which flexibility is being requested in Squares 882 and 769; (e) provide a trash storage and hauling plan that is acceptable to DDOT for the residential building in Square 769; and (f) present revised façade drawings for all sides of the residential building in Square 769.
57. The Commission finds that the Applicant has met these conditions. The Applicant testified at the hearing and submitted traffic reports and exhibits which demonstrate the relationship between the requested parking reductions to the supply of on-street parking, and clarified the parking reductions or increases being requested for individual buildings and the overall net reduction requested. The Applicant also submitted at that hearing a LEED checklist for both residential buildings, and confirmed that it is seeking flexibility to increase or decrease the number of units by five percent within the maximum gross floor area specified for the residential buildings in Squares 769 and 882. The Applicant also submitted at the hearing a trash storage and hauling plan for the residential building in Square 769 and revised elevations for each side of the residential building in Square 769.

DDOT Report

58. By report dated March 16, 2009, DDOT indicated that it supported the requested parking reductions based upon the site's proximity to rail and bus transit service and that the reduction is consistent with DDOT's parking management goals. (Exhibit 8 of Case No. 03-12I/-3-13I.) DDOT also requested that the Applicant submit information confirming that the delivery and trash service traffic operations would not negatively impact pedestrian, bike and vehicle operations when entering and exiting the alley. DDOT also recommend that the Applicant restrict freight delivery and trash removal to designated hours, and that the Applicant provide personnel to oversee freight, delivery, trash, and building related operations.
59. As part of its Post-hearing Statement submitted on April 6, 2009 (Exhibit 87), the Applicant submitted a memo in response to DDOT's report indicating that it agreed to restrict freight delivery and trash removal to between 7am and 9pm (as set forth in § 2806.2 of the D.C. Noise Regulations) for the residential building in the northern portion of Square 769, the residential building in the northern portion of Square 882, and the office building in the southern portion of Square 882. The Applicant also indicated

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that it will work with DDOT in the future to determine whether these hours need to be adjusted once the buildings in Squares 769 and 882 are constructed and the Applicant obtained input/data from the occupants. In addition, the Applicant agreed that the residential building in the northern portion of Square 769 and both buildings in Square 882 will each have a property management company or other person on-site to coordinate freight, delivery, trash and building related operations, and that the contact information for these people will be provided for building occupants. The Commission finds that the Applicant has adequately responded to DDOT.

Contested Issues

60. The primary concerns raised by ANC 6D, ANC 6B, and the persons in opposition concerning the current application were: (a) the increase in the height of the office building in Square 882; (b) the revised design of the residential building in Square 882, including its height, amount of open space and multi-family, as opposed to townhouse, design; (c) the requested parking reduction; and (d) implementation of the Community Supportive Services Program required as part of the first stage approval.
61. The Commission makes the following findings:
 - a. *Increased Height of Office Building.* The Commission finds that the requested two-foot increase in the height of the office building in Square 882 will not have an adverse impact on views in the area. As discussed by the Applicant, and as detailed in the March 9, 2009 OP report, the office building is legally permitted to, and has always been shown to, determine and measure its zoning height from 7th Street, on which the eastern wing will have frontage. Measured from 7th Street, the proposed building will measure 92 feet. The Commission's original decision reduced the height of the proposed office building from the initially proposed height of 110 feet, as permitted in the CR District, to 90 feet. At that time, the Applicant was not able to analyze the reduction's impact on floor-to-floor heights. The Applicant has presented evidence indicating that the two-foot height increase is intended to accommodate the required 14-foot-clear ground floor retail spaces without reducing one floor of the office space. The Commission's initial height reduction from 110 feet to 90 feet was intended to: 1) ensure that building heights on M Street stepped down closer to the Navy Yard gates at 8th Street; and 2) to reduce the marked difference between the height of the office building and the residences in Square 882. The requested two-foot increase in building height will respect these objectives while enabling the Applicant to provide the required retail ceiling height and still provide commercial space to help defray the cost of the one-for-one replacement of the public housing units.

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- b. *Revised Design of Residential Building in Square 882.* The Commission finds that the revised design of the residential building in Square 882 will not have any adverse impacts. During the first stage application process, the Commission expressed concern about the difference between the scale of the office building and that of the townhouses proposed to the north. Accordingly, the Commission reduced the height of the office building. However, the Commission finds that increasing the height of the residential building, and revising its design to a multi-family building, is consistent with the urban fabric in the neighborhood and will further bring it into scale with the office building. With respect to open space, the Applicant testified that the first stage schematic plans approved by the Commission included approximately 12,500 square feet of open space. The current design includes approximately 8,800 square feet of courtyards and 14,750 square feet of private patios at upper levels of the building as a substitute for reduced open space at the ground level. The Commission finds that these proposed changes will not have any negative impacts on the office building to the south or to the Marine Barracks to the north, nor would they result in a substantially negative impact on the Zoning Regulations.
- c. *Requested Parking Reduction.* This application requested a reduction in the number of parking spaces in the office building from 400 to 284 parking spaces. The proposed 284 parking spaces will meet the amount of parking required for the building pursuant to § 2101.1. Moreover, the requested reduction is consistent with OP and DDOT policies, particularly for sites proximate to Metro stations, and both OP and DDOT recommend that the requested reduction be approved.
- d. *Implementation of the Community Supportive Services Program.* As part of its Post-hearing Statement submitted on April 6, 2009 (Exhibit 84), the Applicant submitted information from DCHA indicating the actions taken to date to implement the Community Supportive Services Program for former residents of Capper Carrollsburg, including employment preparation and placement, job skills training programs, high school or equivalent education programs, childcare, and counseling programs. Based upon the information submitted, the Commission finds that the Applicant has implemented the Community Supportive Services Program required as part of the first stage approval.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)

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2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking and loading, yards, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application will carry out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD is generally within the applicable height, bulk and density standards approved by the Commission pursuant to Order No. 03-12/03-13, and the height and density will not cause a significant adverse effect on any nearby properties.
5. The Applicant's request for flexibility from the Zoning Regulations, modifications to the original approval, and flexibility from the conditions of the preliminary approval are consistent with the intent of the original PUD.
6. Approval of this PUD is appropriate because the proposed development is consistent with the present character of the area, and is not inconsistent with the Comprehensive Plan. In addition, this phase of the development will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
7. The Commission is required under D.C. Code Ann. § 1-309.10(d)(3)(A) (2001) to give great weight to the affected ANC's recommendation. The Commission has reviewed the ANCs' positions, and has included detailed Findings of Fact (Nos. 59 and 60) regarding the ANCs' positions.
8. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the application for second stage PUD approval and modifications to the first stage approval for property located in Squares 769 and 882 preliminarily approved by Zoning Commission Order Number 03-12/03-13. This approval is subject to the following guidelines, conditions, and standards:

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1. The final approval of this phase of the PUD shall apply to the northern portion of Square 769 and the entirety of Square 882.
2. The PUD shall be developed substantially in accordance with the plans dated December 1, 2008, marked as Exhibit 20 in the record (the "Plans"); as modified by the supplemental sheets submitted on April 6, 2009 and marked as Exhibit 86; and as further modified by the guidelines, conditions, and standards herein.
3. The residential building in Square 769 shall: (a) have a maximum gross floor area 181,420 square feet; (b) have a maximum height of 110 feet; (c) include a minimum of 152 striped off-street parking spaces in the garage; and (d) include a minimum of 34 affordable units dedicated to households earning less than 60% of the Area Median Income, adjusted for family size, in the locations shown on Exhibit 86.
4. The residential building in Square 882 shall: (a) have a maximum gross floor area of 189,168 square feet; (b) have a maximum height of 60 feet; (c) include a minimum of 172 striped off-street parking spaces in the garage; and (d) include a minimum of 38 affordable units dedicated to households earning less than 60% of the Area Median Income, adjusted for family size, in the locations shown on Exhibit 86.
5. The office building in Square 882 shall: (a) have a maximum gross floor area of 499,780 square feet; (b) have a maximum height of 92 feet; and (c) include a minimum of 284 striped off-street parking spaces in the garage.
6. The Applicant is granted flexibility to phase construction of the office building in Square 882, and flexibility from the parking (§ 2101.1), loading (§ 2201.1 and § 2203.3), lot occupancy (§ 403.2), and roof structure number and setback requirements (§ 411 and § 770), consistent with the approved Plans and as discussed in the Development Incentives and Flexibility section of this Order.
7. The Applicant shall also have flexibility with the design of the PUD in the following areas:
 - a. To be able to increase or decrease the number of units by five percent within the maximum gross floor area specified for each residential building;
 - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;

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- c. To vary the number, location and arrangement of parking spaces, provided that the total number of parking spaces is not reduced below the minimum level required;
 - d. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Construction Code or that are otherwise necessary to obtain a final building permit;
 - e. For the office building in Square 882, to provide a minimum of three loading berths at 30 feet deep, three loading platforms at 100 square feet, and one service/delivery space at 20 feet deep; and
 - f. For the office building in Square 882, to be able to remove the parking garage entrance located on 7th Street.
8. An individual Applicant shall be responsible for carrying out those conditions of this Order that are applicable to each specific property and shall not be responsible for the obligations or requirements of the other Applicants.
9. The Applicant shall incorporate the following measures into the development and operation of the proposed office and residential buildings in Square 882:
- a. At the Navy's sole expense, the Applicant shall permit the Navy to install surveillance cameras on the roof of the office building and to connect such cameras to the Navy's surveillance system. At the Marines' sole expense, the Applicant shall permit the Marines to install surveillance cameras on the roof of the residential building and to connect such cameras to the Marines' surveillance system. The cameras installed by the Navy shall transmit wirelessly and be monitored by Navy personnel, and the cameras installed by the Marines shall transmit wirelessly and be monitored by Marines personnel. The location and design of the cameras shall be coordinated with the Applicant and shall not delay preparation of design documents and/or the receipt of permits for the building. Maintenance of the cameras shall be at the sole expense of the Navy and Marines and access for maintenance must be coordinated and approved through the building's property manager, which access will not be unreasonably withheld or delayed;

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- b. During construction of the office building, the Applicant shall supply the Navy the contact information for the building's construction supervisors to coordinate and facilitate installation of the Navy's equipment;
- c. During construction of the residential building, the Applicant shall supply the Marines the contact information for the building's construction supervisors to coordinate and facilitate installation of the Marines' equipment;
- d. Upon completion of construction of the office building, the Applicant shall provide to the Navy and the Marines contact information for the office building's property manager to facilitate the coordination of efforts to address any security concerns that may arise once the office building is constructed. The Applicant shall also provide written notice to the Navy of the proposed rooftop maintenance schedule once determined;
- e. Upon completion of construction of the residential building, the Applicant shall provide to the Marines the contact information for the building's property manager to facilitate the coordination of efforts to address any security concerns that may arise once the residential building is constructed. The Applicant shall also provide written notice to the Marines of the building's exterior maintenance schedule once determined;
- f. As the office building becomes occupied, the Applicant shall provide to the Navy a list of tenant organizations (not individuals) from the fourth through eighth floors of the building. The Applicant shall provide an updated list whenever a tenant moves into or out of the office building. This provision shall not be deemed to grant the Navy any right to approve or disapprove of any tenants in the office building;
- g. The Applicant shall provide the Navy and Marines 48-hour notice prior to any large events on the roof of the office building. The Applicant shall limit access to the roof of the office building during specific ceremonial events held at the Washington Navy Yard. The Navy shall provide to the office building's property manager notification of the scheduling of events in a timely manner and, at a minimum, seven days prior to such event to the building's property manager;
- h. The Applicant and the Marines shall provide notice of, and coordinate the scheduling of, any large events or assemblies in the common courtyard areas of the residential building or on the Marines' grounds; and
- i. All notifications listed herein from the Applicant to the Navy and/or Marines are for informational purposes only and do not in any way require any type of approval from the Navy and/or Marines of any item in any notification.

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10. No building permit shall be issued for this PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the owners and the District of Columbia that is satisfactory to the Office of the Attorney General and DCRA. Such covenant shall bind the Applicants and all successors in title to construct on and use the Subject Property in accordance with this Order or amendment thereof by the Zoning Commission.
11. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction shall begin within three years of the effective date of this Order.
12. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicants to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On April 27, 2009, upon the motion of Chairman Hood, as seconded by Vice Chairman Jeffries, the Zoning Commission **APPROVED** this Application at its public meeting by a vote of **3-0-2** (Anthony J. Hood, Gregory N. Jeffries, and Peter G. May to approve; William W. Keating, III, not having participated, not voting; Michael G. Turnbull, not present, not voting).

On Jun 8, 2009, upon the motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **3-0-2** (Anthony J. Hood, Peter G. May, and Michael G. Turnbull to adopt; William W. Keating, III and Konrad Schlater, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on August 14, 2009.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 03-12G/03-13H**

Z.C. Case Nos. 03-12H and 03-13H

(Modifications to Approved PUD in Squares 739, 767, 768, and S825)

Capper/Carrollsbury Venture, LLC and the D.C. Housing Authority

June 8, 2009

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on March 19, 2009, to consider an application from Capper Carrollsbury Venture, LLC and the District of Columbia Housing Authority ("DCHA") (collectively, the "Applicant") for modifications to an approved planned unit development in Squares 739, 767, 768, and S825. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR §3022. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

Background and Prior Capper Carrollsbury Approvals

1. Pursuant to Order No. 03-12/03-13, effective October 8, 2004, the Commission granted preliminary approval of the PUD for the following properties: Square 737, those portions of Lot 814 and Reservation 17A that lie south of the southern right-of-way line of I Street extended; Square 799, Lots 20, 27, 28, 29, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 803, 805, 807, 808, 809, 816, 818, 819, 825, 826, and 827; Square 800, Lots 25, 26, 27, and 28; Square 824, Lots 37, 38, and 39; Square N853, Lot 809; Square 880, Lot 24; Square W881, that part of Lot 800 within 132 feet of 5th Street; Square 882, Lot 76; and all of Squares 739, 767, 768, 769, 797, 798, 825, and S825.
2. The Commission also granted consolidated approval of the PUD for the following properties: Square 824, Lots 37, 38, and 39; Square S825, Lots 31, 32, and 33; Square 880, Lot 24; and all of Squares 797, 798, and 825. The Commission also granted a PUD-related map amendment to rezone the following properties from R-5-B to CR upon completion of the second-stage approval of the PUD: Square 769, that portion lying more than 145 feet from the northern right-of-way line of M Street (including a portion of Reservation 17D); Square 882, that portion lying south of the midpoint of the Square; and all of Squares 767 and 768 (including Reservations 17B and C).
3. The Commission has approved a number of applications since issuing Order No. 03-12/03-13 in order to implement the redevelopment, including:
 - Order No. 03-12B/03-13B approving a minor modification to allow for construction of the multi-family building in Square 825S to a height of 48 feet, 3¾ inches;
 - Order No. 03-12A/03-13A granting second-stage approval for Lots 44, 45, 46, 47, 48, 49, 50 in Square 799, Lots 20, 25, 26, 27, 28, 816, 818, 819, 820 in Square 800, and

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Square 881W and modifying portions of the parking requirements for the consolidated PUD approval;

- Order No. 03-12F/03-13F granting second-stage approval for parts of Lots 18, 20 and 21 in Square 769 to construct an office building, and Order No. 03-12F/03-13F approving a modification to increase the building's measured building height from 110 feet to 130 feet, and to increase the gross floor area of the building from 207,785 square feet to 234,182 square feet;
- Order No. 03-12D/03-13D approving a minor modification to change the designation of the multi-family building in Square 825S such that it is not required to be exclusively senior housing and requiring off-site parking; and
- Order No. 03-12E/03-13E approving a minor modification to allow for Squares 767, 768 and 882 to be used as temporary surface parking lot accessory to the new Nationals ballpark for a period of no more than five years.

The Current Application, Parties, and Hearing

4. On July 3, 2008, the Applicant filed an application seeking, among other things, approval to modify conditions of the first-stage approval related to remaining portions of the overall PUD to be developed in Squares 739, 767 and 768, and conditions relating to the number of parking spaces required for the multifamily building in Square 825S.
5. At its public meeting on September 8, 2008, the Commission instructed the Applicant to file a separate application for each of the requested actions being sought by the Applicant.
6. On September 18, 2008, the Applicant submitted separate application materials for: (1) second stage review and approval of a PUD and modifications for property located in Squares 769 and 882 (Case No. 03-12G/03-13G); (2) approval to modify conditions of the first-stage approval related to remaining portions of the overall PUD to be developed in Squares 739, 767, and 768, and conditions relating to the number of parking spaces required for the multifamily building in Square 825S (Case No. 03-12H/03-13H); and (3) an extension of time for the validity of the first-stage PUD approval, and additional time to file a building permit application and commence construction of the community center in Square 881W (Case No. 03-12I/03-13I).
7. At its public meeting on October 20, 2008, the Commission voted to schedule a public hearing on the application.
8. On December 5, 2008, the Applicant submitted a Prehearing Statement and development data information for Case No. 03-12H/03-13H (Exhibits 3 and 4), clarifying the requested modifications to the prior orders and proposed overall development parameters.

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9. After proper notice, the Commission held a combined public hearing on the applications on March 19, 2009. The parties to the case were the Applicant, Advisory Neighborhood Commission ("ANC") 6D, the ANC within which the property is located, and ANC 6B, the adjacent ANC.
10. Three principal witnesses testified on behalf of the Applicant at the March 19, 2009 public hearing, including David Cortiella, on behalf of the DCHA; Dan McCabe, on behalf of Capper Carrollsburg Venture, LLC; and Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP. Based upon his professional experience, as evidenced by the resume submitted for the record, Mr. Sher was qualified by the Commission as an expert in land use and zoning.
11. The Office of Planning ("OP") testified at the public hearing in support of the project.
12. ANC 6D submitted a letter and resolution (Exhibit 7 in Case No. 03-12I/03-13I) indicating that at a duly noticed public meeting on March 9, 2009, at which a quorum was present, ANC 6D voted 5-1-1 to support the application to extend the first stage approval and phasing of the overall PUD (Case No. 03-12I/03-13I), for the second stage approval for property in Squares 769 and 882 (Case No. 03-12G/03-13G) and for modifications to the remaining portions of the overall PUD's density (Case No. 03-12H/03-13H), but only on condition that the Commission require the Applicant to file a building permit application for the community center building in Square 881W by January 1, 2010, to commence construction of the community center by January 1, 2011, complete construction of the community center by July 1, 2012, and commit to provide 50 parking spaces at 600 L Street, S.E. for certified health care workers who care for seniors in 900 5th Street, S.E. and 410 M Street, S.E. until construction commences on 600 L Street, S.E. The ANC 6D letter did not indicate that it authorized anyone to present the ANC report at the public hearing, as required pursuant to 11 DCMR § 31012.5(h).
13. ANC 6B submitted a letter (Exhibit 5 in Case No. 03-12I/03-13I) indicating that at its regularly called and properly noticed meeting on February 10, 2009, with a quorum present, ANC 6B voted unanimously (8-0) to oppose modifications, but to support the time extension for the PUD to 2013. ANC 6B indicated that it opposed the modifications because it was concerned that the amount of open, green space would be reduced; it opposed the increase in the height of the office building; and it opposed further delay in the construction of the community center building in Square 881W. The ANC 6B letter did not indicate that it authorized anyone to present the ANC report at the public hearing, as required pursuant to 11 DCMR § 31012.5(h).
14. Kenan Jarboe, an ANC 6B Commissioner, testified at the public hearing in his individual capacity, and indicated that the ANC opposed the applications, but would remove its opposition if: (1) the height of the office building in Square 882 was maintained at 90 feet and measured from the M Street side of the building; (2) the apartment building in Square

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- 882 be reconfigured to include as much open space as would have been on that site if developed as townhomes; and (3) the community center be built at the same time as the residential units. (Exhibit 32).
15. Robert Siegel, an ANC 6D Commissioner, testified at the public hearing in his individual capacity, and indicated that he had no objections to Case No. 03-12G/03-13G seeking second stage review and approval of modifications for property located in Squares 769 and 882. (Exhibit 33).
 16. Ron McBee, an ANC 6D Commissioner, testified at the public hearing in his individual capacity, and indicated that he supported the requested increase in office building height and other modifications proposed under applications 03-12G/03-13G and 03-12H/03-13H, with the exception of the request to reduce the amount of parking, and that he opposed the requested extension of time to start construction of the community center building. (Exhibit 34).
 17. David Meadows, an individual residing at 305 K Street, S.E., testified that he opposed the modifications requested pursuant to Case No. 03-12H/03-13H.
 18. Ms. Deborah Frazier and Ms. Olena Oliphant opposed the design of the residential building in Square 882, and also testified that DCHA has not implemented the job training and counseling portions of the Community Supportive Services Program required as part of the first stage approval.
 19. At its public meeting on April 27, 2009, the Zoning Commission took proposed action to approve the application and plans that were submitted to the record.
 20. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated June 4, 2009, advised the Zoning Commission that the proposed PUD would not be inconsistent with the Comprehensive Plan for the National Capital or adversely affect any other identified federal interest.
 21. The Commission took final action to approve the application on June 8, 2009.

The Requested Modifications

Modification of Conditions Regarding Number of Units and Density

22. The Applicant is seeking modifications to increase the overall density of the project. Specifically, the Applicant proposes to increase the overall maximum number of residential units from 1,645 units to 1,747 units; to increase the overall maximum office gross floor area from 702,000 square feet to 708,302 square feet (thereby increasing the

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overall commercial gross floor area from 753,000 to 759,302 square feet); to increase the overall maximum residential density from a floor area ratio ("FAR") of 2.34 to 2.36; to increase the overall maximum permitted office and retail density from 0.80 FAR to 0.87 FAR across the project as a whole; and to decrease the overall number of parking spaces from 1,845 to 1,780 off-street parking spaces.

23. The new proposed distribution of uses and densities is shown on the "Capper/Carrollsborg Overall Plan" and "Capper/Carrollsborg Overall Analysis" sheets included in the Prehearing Statement. (Exhibit 4.)
24. The Applicant testified, and the Commission finds, that due to deteriorating economic conditions, it is necessary to increase the density of the project in order to supplement funds needed to cover the replacement costs of the public housing units. The increased revenue projected from the sale or rental of these additional market rate units and increased commercial area will help to offset falling real estate values, increased financing costs, increased construction costs and decreasing land values, and help to make the construction of the remaining public housing units feasible. Moreover, the requested density increases are attributable in part to the design of the buildings in Square 769 and 882 approved in Case 03-12G/03-13G.

Modification of Conditions Regarding Number of Parking Spaces

25. The Applicant is also seeking a modification to reduce the overall amount of parking required for the PUD.
26. Pursuant to Condition No. 11 of Order No. 03-12/03-13, the overall project is required to include a minimum of 1,980 off-street parking spaces, and the distribution of the spaces must be as shown on the Parking Plan, Sheet T-3.0 of the Preliminary Plans. The Parking Plan indicates that 1,396 off-street parking spaces would be provided for the residential portion of the development and 604 off-street parking spaces would be provided for the commercial portion. However, pursuant to Condition 10 of Order No. 03-12A/03-13A the number of required parking spaces for the residential portion of the project was reduced to 1,241 off-street parking spaces. Thus, the overall project is currently required to include a minimum of 1,845 off-street parking spaces.
27. The Applicant proposes to provide 1,346 parking spaces for the residential portion of the development, which exceeds the requirement of providing 1,241 residential parking spaces. The proposed parking spaces will be spread throughout the development. However, the Applicant is seeking a modification to reduce the number of required off-street parking spaces for the commercial portion of the development from 604 to 434 spaces.
28. The proposed commercial reduction occurs from decreasing the number of parking spaces for the office building in Square 882 from 400 to 284 off-street parking spaces,

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which meets the requirement of § 2101 of the Zoning Regulations. By providing the minimum requirement of § 2101 of the Zoning Regulations, the Applicant believes it can successfully serve the needs of building occupants. Moreover, as indicated in the analysis prepared by the Applicant's traffic expert, reducing the number of parking spaces will not have an adverse impact on the project or the area. The Commission finds that the requested parking reduction is consistent with the District's current policy goals of reducing parking and the demand for vehicles in areas adequately served by Metro facilities.

Modification of Condition Regarding Parking for Multifamily Building in Square S825

29. The Applicant is also seeking a modification to reduce the overall number of parking spaces required for the building in Square 825S to 33 spaces. Z.C. Order No. 03-12D/03-13D approved a minor modification to change the designation of the multi-family building in Square 825S such that it is not required to be exclusively senior housing and the Applicant was required to provide 70 parking spaces for the multi-family building in Square 825S by providing additional parking spaces throughout the development.
30. The Applicant has permanently reserved 33 parking spaces in the multi-family building in Square 825S for the exclusive use of residents of that building or their guests. However, the Applicant is seeking approval to eliminate the other requirements to provide off-site parking since the amount of on-site parking provided for the building is sufficient to meet the actual demand for that building. As indicated in the analysis prepared by the Applicant's traffic expert, actual experience since the building was occupied indicates that the existing on-site parking garage is not fully-utilized by the current residents or their guests and there is currently no present and likely will be no future demand for off-site parking.

Office of Planning Report

31. By report dated August 29, 2008, OP recommended that the Commission schedule a public hearing on the applications. (Exhibit 12.)
32. By report dated October 10, 2008, OP indicated that the Applicant submitted the information requested by the Commission at the September 8, 2008 public hearing, and that after reviewing the additional materials, OP continued to recommend that the Commission schedule a public hearing on the applications. (Exhibit 17.)
33. By report dated March 9, 2009, OP recommended final approval of the application. (Exhibit 25 o Case No. 03-12G/03-13G.) OP indicated that the PUD's market rate units and commercial space are intended to cross-subsidize the below-market rate units. OP also indicated that construction costs are considerably higher now than when the PUD was approved in 2004, and the ability to finance projects has become exceptionally challenging. Thus, OP concluded that the requested market rate unit increase, plus the

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increase in commercial space, would generate additional revenue for the below-market rate units' cross-subsidy and would put the applicant on firmer ground when seeking financing.

DDOT Report

34. By report dated March 16, 2009, the District Department of Transportation ("DDOT") indicated that it supported the requested parking reductions based upon the site's proximity to rail and bus transit service and since the reduction is consistent with DDOT's parking management goals. (Exhibit 8 of Case No. 03-12I/-3-13I).

CONCLUSIONS OF LAW

Upon consideration of the record of this application, the Commission concludes that the Applicant's proposed modifications are consistent with the intent of Zoning Commission Order No. 03-12/03-13. The Commission concludes that the proposed modifications are in the best interest of the District of Columbia, and not inconsistent with the intent and purpose of the Zoning Regulations and Zoning Act. The approval of the modifications is not inconsistent with the Comprehensive Plan. Further, the requested modifications will not affect any of the other conditions of the approved PUD.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders **APPROVAL** of the application for modifications to the planned unit development in Squares 739, 767, 768, and S825. Accordingly, the following conditions are hereby revised to read as follows (deleted text shown in strikethrough):

1. Condition No. 5 of Order No. 03-12/03-13 shall read as follows:

The project in its entirety shall include a maximum of 1,747 ~~1,645~~ residential units, a maximum of 708,302 ~~702,000~~ square feet of gross floor area of office space, a maximum of 51,000 square feet of gross floor area of retail space, and a community center including approximately 18,000 square feet of gross floor area. The distribution of uses and densities shall be as shown on the "Capper/Carrollsborg Overall Plan" and "Capper/Carrollsborg Overall Analysis" sheets included with the Prehearing Statement and marked as Exhibit 4 in the record of Case No. 03-12G and 03-12H. ~~and Site Plan Development Data, Sheet S-3.1 of the Preliminary Plans.~~

2. Condition No. 7 of Order No. 03-12/03-13 shall read as follows:

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The overall maximum permitted ~~residential~~ density shall be 3.32 ~~2.21~~ FAR across the project as a whole, for a maximum permitted gross floor area of 2,889,517 ~~2,092,081~~ square feet, including the community center. The overall maximum permitted office and retail density shall be 0.87 ~~0.80~~ FAR across the project as a whole, ~~-(1.87 FAR based on the land area to be zoned C-3-C and CR)-~~, for a maximum permitted commercial gross floor area of 759,302 ~~753,000~~ square feet. The project shall also include the density currently contained on the Van Ness Elementary School site in Square 853N.

3. Condition No. 11 of Order No. 03-12/03-13 shall read as follows:

The project shall include a minimum of 1,780 ~~1,980~~ off-street parking spaces. The distribution of the spaces shall be as shown on the "Capper/Carrollsborg Overall Plan" and "Capper/Carrollsborg Overall Analysis" sheets included with the Prehearing Statement and marked as Exhibit 4 in the record of Case No. 03-12G and 03-12H. ~~Parking Plan, Sheet T-3.0 of the Preliminary Plans.~~

4. Condition No. 9 of Order No. 03-12A/03-13A shall read as follows:

The overall maximum permitted residential density shall be 2.39 ~~2.34~~ FAR across the project as a whole, for a maximum permitted gross floor area of 2,070,315 ~~2,138,431~~ square feet, including the community center.

5. Condition No. 6 of Order No. 03-12/03-13 and the Decision section of Order No. 03-12D/03-13D shall read as follows:

A minimum of 695 of the residential units shall be devoted to public housing, including 162 units in Senior Building 1 devoted exclusively to senior public housing units and the building constructed in the northern portion of Square 825S devoted to both senior housing, and workforce public housing units for households earning between 30% and 60% of the Area Median Income. A minimum of 50 units shall be home-ownership Section 8 units under the HUD program. ~~In addition, the Applicant shall provide 70 parking spaces for the building by taking the following measures:~~

- ~~a. Permanently reserving thirty three (33) 24-hour spaces in the Building formerly known as Senior Building Number 2 in Square 825S for the exclusive use of residents of that building, or their guests;~~
- ~~b. Reserving, on an interim basis until parking noted in Points "c and d", below, can be provided, no fewer than thirty seven (37) 24-hour parking spaces on surface parking lots to be located on Squares 767, 768 and/or 769 (land owned~~

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- ~~by the applicant) for the exclusive use of residents of the building formerly known as Senior Building 2, or their guests;~~
- ~~e. Reserving on a permanent basis, twenty one (21) 24-hour spaces within three blocks of the subject building for the exclusive use of residents of the building formerly known as Senior Building 2, or their guests;~~
- ~~d. Entering into a phased, shared parking arrangement with office buildings in Squares 769 and/or 882 to provide no fewer than sixteen (16) parking spaces, between the hours of 5:30 p.m. and 8:30 a.m. and 24 hours on federal holidays and weekends, for the exclusive use of residents of the building formerly known as Senior Building 2, or their guests; and~~
- ~~e. Provide a minimum of 2 car-sharing spaces within 3 blocks of the subject building, and enter into an agreement with a car-sharing provider to offer membership at discounted rates to occupants of the building.~~

On April 27, 2009, upon motion of Chairman Hood, as seconded by Commissioner Jeffries, the Zoning Commission **APPROVED** the application at its public meeting by a vote of **3-0-2** (Anthony J. Hood, Gregory N. Jeffries, and Peter G. May to approve; Michael G. Turnbull not present, not voting; William W. Keating, III, not having participated, not voting).

On June 8, 2009, upon motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of **3-0-2** (Anthony J. Hood, Michael G. Turnbull, and Peter G. May to adopt; William W. Keating, III and Konrad W. Schlater, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on August 14, 2009.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**ZONING COMMISSION ORDER NO. 06-34A****Z.C. Case No. 06-34A****Extension and Modification to Approved Consolidated Planned Unit Development****LAT PYD I****(Square 1096, Lots 51, 52, 53, 54, and 55)****March 9, 2009**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on March 9, 2009. At the meeting, the Commission approved a request from LAT PYD I (the "Applicant") for a minor modification and a time extension for an approved planned unit development ("PUD") for Lots 51, 52, 53, 54, and 55 in Square 1096, located at 1705-1729 East Capitol Street, S.E. ("Property") pursuant to the District of Columbia Zoning Regulations. The Commission determined that this modification and time extension request was properly before it under the provisions of §§ 2409.9 and 2408.10 of the Zoning Regulations.

FINDINGS OF FACT

1. By Order No. 06-34, dated September 10, 2007, the Commission approved applications from Comstock East Capitol, LLC ("Comstock") for a consolidated PUD and a related map amendment (from R-4 to R-5-B) (collectively, the "PUD") to allow construction on the Property of a 133-unit apartment building containing approximately 112,599 square feet of gross floor area, building density of 2.64 FAR, and maximum building height of 49.9 feet. The Order became final and effective on December 14, 2007.
2. On September 24, 2008, PGN Architects, PLLC, submitted a request to the Commission on behalf of the Applicant, who had acquired the Property from Comstock in December 2007, requesting a minor modification to the PUD. The minor modification request, made pursuant to the Commission's authority established in §§ 2409.9 and 3030 of the Zoning Regulations, sought an increase in the total number of residential units provided in the PUD (from 133 to up to 141 units), with no change requested to the exterior appearance of the building or the community benefits offered.
3. By letter dated and received by the Commission January 23, 2009, counsel for the Applicant filed a supplemental request to extend the validity of the PUD approval for a period of one year, to December 10, 2010, in addition to the minor modification. The letter describes the nature of the minor modification and indicates that the basis for extension of the validity of the PUD is as follows:

The Applicant acquired the Property in December 2007, as the national real estate market, especially residential real estate, was beginning to show signs of slowing after years of expansion. The Applicant moved forward with its acquisition given the Property's gateway location and the great potential for redevelopment of the site, which has remained vacant for many years. Subsequent to the Applicant's acquisition of the Property, the region's real estate market has witnessed further

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precipitous deterioration, impacted dramatically by the freezing of debt markets in the summer of 2008.

The Applicant's plan upon acquiring the Property was to move forward with construction of the approved project immediately. However, as a result of the dramatic market forces at work, and out of an abundance of caution in moving forward with such a sizeable project, the Applicant has spent the past several months reviewing the approved plans with the goal of providing the highest quality product at the most marketable and affordable level for potential homebuyers. This review, undertaken in consultation with the architects who designed the approved PUD, has led the Applicant to redesign the interior layout of the Project, thereby increasing the overall unit count from 133 units to up to 141 units. This redesign, which will have no impact on the exterior design or massing of the building, will actually increase the number of one and two bedroom units in the building and is expected to increase the marketability of the units and overall economic feasibility of the project. The Applicant is requesting an additional one (1) year extension for the validity of the PUD to allow it and its architects sufficient time to complete construction drawings to reflect the various changes needed to the interior of the building to allow for the increased unit count without impacting the design or massing of the overall project.

4. The Applicant served the applications on Advisory Neighborhood Commissions ("ANC") 6A and 6B, the parties to the case. ANC 6B submitted a report dated December 8, 2008, indicating it had no objection to the modification request. ANC 6A did not submit a report. Neither ANC submitted a report regarding the time extension request.
5. The District of Columbia Office of Zoning referred this matter to the District of Columbia Office of Planning ("OP") for analysis and recommendation. By memorandum dated March 6, 2009, OP recommended that the Commission approve the requested extension of the PUD validity and minor modification.
6. Pursuant to notice, a public meeting of the Commission was held on March 9, 2009. At the meeting, the Commission considered the requests of the Applicant and the recommendation of the Office of Planning. The Commission concurs with OP and the Applicant. The Commission also determines that an extension of time of the validity of the PUD is in the best interests of the District of Columbia and is consistent with the intent and purposes of the Zone Plan.

CONCLUSIONS OF LAW

Extension Request

The Commission may extend the validity of a PUD for good cause shown upon a request made before the expiration of the approval, provided: (a) the request is served on all parties and all parties

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are allowed thirty (30) days to respond; (b) there is no substantial change in any material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and (c) substantial evidence there is good cause for the extension based on the criteria established in § 2408.11. (11 DCMR § 2408.10.) The three criteria are: (a) an inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or (c) the existence of pending litigation or such other condition or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the PUD order. (11 DCMR § 2408.11.)

The Commission concludes the application complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the application and allowing them thirty (30) days to respond.

The Commission concludes there has been no substantial change in any material facts that would undermine the Commission's justification for approving the original PUD.

The Commission concludes there is good cause for the extension of time because of factors beyond the Applicant's reasonable control. The Applicant acquired the property as the national real estate market began to slow after years of expansion, and the market has deteriorated further since that time. These changes in the residential real estate market forced the Applicant to re-evaluate the project in light of current market conditions, and in part, re-design some of the interior features of the project to ensure that it has a high quality product that is marketable and economically feasible in the changed conditions. This process caused a delay in project warranting the one year extension requested by the Applicant.

Section 2408.12 of the Zoning Regulations provides that the Zoning Commission shall hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in § 2408.11. The hearing shall be limited to the specific and relevant evidentiary issues in dispute. The Commission concludes that there is no material factual conflict in issue and that consideration of the request for extension is appropriate without need for a public hearing.

Modification Request

Section 2409.9 of the Zoning Regulations authorizes the Commission to approve those proposed modifications to an approved PUD that are beyond the limited scope of authority granted to the Zoning Administrator. Furthermore, § 3030 of the Zoning Regulations provides for an expedited "Consent Calendar" procedure, allowing the Commission to make minor modifications and

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technical corrections to an approved PUD Order without need for a public hearing. Pursuant to § 3030.2, "minor modifications" are those modifications of little or no consequence.

The Commission concludes the requested modification can be approved without a hearing because of the relatively minor consequences of the change. The Applicant has re-designed the interior of the building, resulting in an increase in the number of units from 133 to 141, which represents a roughly 6% increase. This change does not affect the exterior design of the building in any way. Nor does it affect the benefits and amenities offered by the Project.

DECISION

In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby Orders that the validity of Zoning Commission Order No. 06-34A be extended for a period of twelve (12) months; that is, until December 14, 2010, within which time application must be made for a building permit. Construction shall start not later than December 14, 2011.

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the application for a minor modification of the approved PUD. Finding of Fact 11 of Z.C. Order No. 06-34 is revised to read as follows (deletions are shown in strikethrough text, new text is bold and underlined):

11. The subject property is presently improved with a vacant apartment building that contains 81 units. The building was constructed in 1921 and is a nonconforming structure. The Applicant intends to demolish the existing structure to allow the construction of a ~~133~~**141**-unit apartment building containing approximately 112,599 square feet of gross floor area. The new building will have an overall density of 2.64 FAR and will rise to a maximum height of 49.9 feet. Eleven of the building's ~~133~~**141** units will be set aside for households earning not more than 80 percent of Metropolitan Washington, DC, Area Median Income ("AMI"). The project will also include a below-grade garage containing approximately 113 parking spaces.

Condition 1 of Z.C. Order No. 06-34 is revised to read as follows (new text is shown in bold and underlined text):

1. The PUD shall be developed substantially in accordance with the plans prepared by PGN Architects, dated June 21, 2006, and as amended or supplemented by drawings dated October 23, 2006, November 28, 2006, May 29, 2007, and June 25, 2007, marked as Exhibits 3, 11A, 13, 38, and 52, respectively, in the record, **and as supplemented by the revised plans submitted by PGN Architects, PLLC, dated September 24, 2008**

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(marked as Exhibit 1 to Z.C. Case 06-34A), the Applicant's written submissions to the record, including its post-hearing submission dated June 25, 2007, and as further modified by the guidelines, conditions, and standards herein.

The request for extension of the PUD was adopted by the Zoning Commission at its public meeting on March 9, 2009, by a vote of 5-0-0 (Anthony J. Hood, Gregory Jeffries, William Keating, Peter May, Michael Turnbull to adopt (Jeffries and Turnbull by absentee vote).

The request for minor modification of an approved PUD was adopted by the Zoning Commission at its public meeting on March 9, 2009, by a vote of 4-0-1 (Anthony J. Hood, William Keating, Peter May, and Michael Turnbull (by absentee vote to adopt, Gregory Jeffries, not present, not voting).

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq. ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

In accordance with the provisions of 11 DCMR §3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on August 14, 2009.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-15**

Z.C. Case No. 08-15

**(Consolidated Planned Unit Development and Related Zoning Map Amendment)
Friendship-Macomb SC, Inc. – Square 1920, Lot 831 and Square 1920-N, Lots 1 and 2
July 13, 2009**

Pursuant to proper notice, the Zoning Commission for the District of Columbia (the “Commission”) held a public hearing on February 19, April 6, April 23, May 4, and May 20, 2009 to consider an application by Friendship-Macomb SC, Inc. (the “Applicant”) for consolidated review and approval of a planned unit development (“PUD”) and related amendment to the Zoning Map of the District of Columbia from MW/C-1 and R-5-A to C-2-A for Square 1920, Lot 831 and Square 1920-N, Lots 1 and 2 (the “Application”). The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. The Commission approves the Application, subject to the conditions below.

FINDINGS OF FACT

The Application, Parties, and Hearing

1. The project site consists of Square 1920, Lot 831 and Square 1920-N, Lots 1 and 2 (the “Property”) and is bounded by Wisconsin Avenue, N.W. on the east, Idaho Avenue, N.W. on the west, and property fronting Macomb Street, N.W. to the south.
2. On May 16, 2008, Friendship-Macomb SC, Inc. filed an application for consolidated review and approval of a PUD and related Zoning Map Amendment from MW/C-1 and R-5-A to C-2-A. (Exhibit 3.) The Applicant supplemented the Application with revised plans and drawings on July 21, 2008, which depicted, among other changes, a relocated entrance to the grocery loading area and improvements to the building design. (Exhibit 12.)
3. During its public meeting on July 28, 2008, the Commission unanimously voted to set down Case No. 08-15 for a hearing. Notice of the public hearing, including a description of the subject property and the proposed development, was published in the *D.C. Register* (“DCR”) on November 21, 2008, 55 DCR 12040, and on January 2, 2009, 56 DCR 55,¹ and was mailed to owners of all property within 200 feet of the subject property and to Advisory Neighborhood Commission (“ANC”) 3C. (Exhibits 30, 32.)
4. On July 31, 2008, the Commission received a request for reconsideration of its vote to set down the case for public hearing. (Exhibit 14.) On September 3, 2008, the Applicant filed a response to the request. (Exhibit 15.) The Commission considered the correspondence at its September 8, 2008 public meeting and declined to reconsider its vote, since the matters

¹ The notice was republished to correct a typographical error that had listed an incorrect lot number for Square 1920 in the initial notice. The hearing notice was otherwise unchanged.

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raised in the correspondence would be more appropriately considered during the public hearing. (Tr. Sept. 8, 2009 at 55.)

5. The Application was further updated by pre-hearing submissions filed on October 27, 2008 and January 30, 2009 as well as the Applicant's presentations on its direct and rebuttal testimony. (Exhibits 20, 46, 156, 164, 236, and 256.)
6. Parties in this proceeding are the Applicant; ANC 3C; the Advocates for Wisconsin Avenue Renewal ("AWARE"), a party in support of the Application; and five parties in opposition to the Application, the Cleveland Park Citizens Association, the Wisconsin-Newark Neighborhood Coalition, the 3300 Idaho Neighbors ("Idaho Neighbors"), the Ordway Street Neighbors Association ("Ordway Neighbors"), and the Immediate Macomb Street Neighbors ("Macomb Neighbors"). During the public hearing, the Commission heard testimony and received evidence from the Applicant, ANC 3C, the parties in support and opposition, the D.C. Office of Planning ("OP"), and the District Department of Transportation ("DDOT"), as well as from persons and organizations in support of or in opposition to the Application.
7. As a preliminary matter, the Commission qualified the Applicant's master planner and architect, traffic engineer, civil engineer, noise consultant, and sustainability consultant as experts in their respective fields. (Tr. Feb. 19, 2009 at 40.)
8. Also as a preliminary matter, on July 24, 2008, WNNC filed a "memorandum of law" arguing that the Commission lacked the authority to rezone the Property and remove it from the Macomb-Wisconsin ("MW") Overlay, and that the MW Overlay required special exception review of a large-scale development by the D.C. Board of Zoning Adjustment ("BZA"). (Exhibit 13.) WNNC filed a similar petition on September 24, 2008, that continued to argue that the Commission lacked the authority to review the Application under the PUD regulations, and requested that the Commission refer the case to the BZA. (Exhibit 16.) The Applicant filed its opposition to the petition on October 16, 2008, and moved to dismiss the petition based on the Commission's clear jurisdiction under its established regulations. (Exhibit 17.) WNNC filed additional correspondence on November 14, 2008 and January 12, 2009 reiterating these concerns. (Exhibits 23, 37.) The Applicant filed a supplemental response to WNNC's legal arguments on January 26, 2009. (Exhibit 45.) Based on the reasons set forth in the Conclusions of Law, the Commission denies WNNC's petition.
9. On April 23, the Idaho Neighbors filed a request to conduct further cross-examination of DDOT. (Exhibit 186.) The Commission voted to deny the request, but offered the Idaho Neighbors an opportunity to respond in writing to the supplementary report. (Tr. Apr. 23, 2009 at 9-10.) The Idaho Neighbors filed their response on May 4, 2009. (Exhibit 214.) In the response, the Idaho Neighbors requested an independent and comprehensive evaluation of the transportation issues surrounding the PUD. Given the evidence in the

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record regarding DDOT's discussions with the community and multiple submissions regarding the PUD, the Commission finds that DDOT has conducted a satisfactory independent evaluation of the transportation issues surrounding the PUD. (Exhibit 184.)

10. On May 19, 2009, WNNC filed a letter challenging the Commission's authority to adjust the amount and location of parking in a PUD. The Applicant filed its opposition to the memorandum on May 20, 2009. The Commission addresses the issue in its Conclusions of Law.
11. At the May 20, 2009 public hearing, the parties in opposition requested an opportunity to offer a sur-rebuttal to the Applicant's written rebuttal testimony. The Commission denied the request based on its established rules of procedure. (Tr. May 20, 2009 at 97-98.)
12. At a public meeting on June 8, 2009, the Commission took proposed action with conditions.
13. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") pursuant to the District of Columbia Home Rule Act. NCPC, by action dated July 9, 2009, found the proposed PUD would not affect the federal interests in the National Capital, and would not be inconsistent with the Comprehensive Plan for the National Capital.
14. The Commission took final action to approve the Application in Case No. 08-15 on July 13, 2009.

Government Agency Reports

15. OP, by report dated February 19, 2009 and by testimony at the public hearing on April 6, 2009, recommended approval of the PUD. (Exhibits 104, 168.) OP testified that the PUD would provide numerous benefits and amenities, including improved neighborhood-serving retail and office uses as well as a state-of-the-art supermarket, and concluded that the PUD would benefit the District and the neighborhood since it would considerably improve existing conditions. (Exhibits 104 at 10-11, 20.) OP also testified that its Historic Preservation Office was actively involved in advising the Applicant on the scale, arrangement, choice of materials, and other design features of the PUD based on its design expertise on neighborhood character, and that the Applicant's revised design, submitted in Exhibit 12, responded to many of their recommendations. (Tr. Apr. 6, 2009 at 66, 129.) OP testified that the traffic, parking, loading, environmental, and noise impacts of the PUD would not be unacceptable. (Exhibit 104 at 5-6, 8-9.) OP supported the Applicant's proposed rezoning, which would remove the Property from the MW Overlay, and also testified that the PUD was consistent with the Overlay. (Exhibit 104 at 3, 10; Tr. Apr. 6, 2009 at 131.) OP concluded that the proffered benefits and amenities were acceptable given the flexibility requested in the application, and therefore OP recommended approval of the PUD and related Map Amendment. (Exhibit 168 at 13; Tr. Apr. 6, 2009 at 18-19.)

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16. In its testimony, OP noted that the anticipated service area for the grocery store would be approximately one mile, based on the presence of multiple other grocery stores near a one-mile radius around the store. (Exhibit 168 at 9; Tr. Apr. 6, 2009 at 13-14.²) OP also testified that the Project's scale would be compatible with its location and surrounding development, and noted that the PUD Site is surrounded by multiple buildings ranging from five to nine stories along Wisconsin Avenue, Idaho Avenue, and Macomb Street. (Exhibit 168 at 10; Tr. Apr. 6, 2009 at 14-16.) OP testified that the proposed PUD constituted transit-oriented development based on its location along a premium transportation corridor with multiple bus lines serving the Property. (Tr. Apr. 6, 2009 at 16-17.) Finally, OP noted that the proposed C-2-A Zone District was specifically identified as a zone category consistent with the Property's Low-Density Commercial Land Use category designation. Based on the foregoing testimony as well as a detailed written analysis of the PUD's conformance with numerous elements of the Comprehensive Plan, OP found that the PUD was not inconsistent with the Plan, including its Future Land Use Map and Generalized Policy Map designations. (Exhibit 104 at 14-19; Exhibit 168 at 2-9; Tr. Apr. 6, 2009 at 13.)
17. DDOT, by reports dated February 11, 2009 and April 2, 2009, and by testimony at the public hearing on April 6, 2009, supported approval of the Project based on its analysis that any impacts would be mitigated by "ample measures" to be undertaken by the Applicant, including the management plans, traffic signal, traffic signal timing optimization measures, and intersection improvements. (Exhibits 146, 166.) DDOT found that the proposed amount and location of loading was sufficient, and testified that shared loading facilities work well in mixed-use developments. (Tr. Apr. 6, 2009 at 93, 95-96, 98, 221-22.) DDOT concluded that the proposed loading facilities, combined with the features of the Applicant's Truck Management Plan, would minimize the impact of loading and deliveries on the surrounding neighborhood. (Exhibit 146 at 2-3.³) DDOT supported the proposed intersection improvements and traffic signal at Wisconsin Avenue and Idaho Avenue, and noted that the modifications that would direct traffic towards primary rather than local roadways. (Id. at 3; Tr. Apr. 6, 2009 at 11-12.) DDOT found that the installation of traffic calming measures in the neighborhood as a condition of the PUD was "premature" and not warranted based on existing conditions, but found that the Applicant's provision of an escrow account to fund future measures if they turned out to be necessary was a positive feature. (Id. at 3-4; Tr. Apr. 6, 2009 at 22, 26.) DDOT found that the proposed amount of residential and commercial parking would be sufficient, and endorsed the use of the South Parcel commercial parking facility as a shared parking resource for the PUD site. (Id. at 4; Tr. Apr. 6, 2009 at 106-07, 114.) DDOT found that the site was well-served by four bus lines and it was likely that some residents and patrons would choose not to drive. (Tr. Apr.

² DDOT also testified that patrons tend to shop at the grocery store closest to home. (Tr. Apr. 6, 2009 at 261.)

³ DDOT noted that the proposed Truck Management Plan was similar to a plan for another neighborhood grocery store that had proven successful in managing truck deliveries. (Tr. Apr. 6, 2009 at 196.)

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6, 2009 at 114.) DDOT concluded that the PUD would not impose a significant burden on the existing neighborhood street network. (Id. at 5.)

18. In a second supplemental report, DDOT indicated that it had independently reviewed the Applicant's transportation analysis for "reasonableness, policy conformance, and technical sufficiency." (Exhibit 184 at 1.) In that report, DDOT also indicated that it had reviewed the truck estimates provided by Precision Systems, Inc. ("PSI"), a traffic expert retained by a party in opposition to the Application, and did not find them credible. To the contrary, DDOT found that, based on the Applicant's estimates and comparable local developments, the Applicant's truck estimates were reasonable and, accordingly, the PUD would not impose significant adverse impacts due to truck traffic and loading activity. (Id. at 2.) DDOT also found that the proposed location of the grocery loading entrance on Idaho Avenue was reasonable because truck turn radii would allow for safer movements and trucks would encounter fewer impediments approaching the loading area. (Id. at 3.)
19. By report dated April 8, 2009, the D.C. Fire and EMS Department indicated that it had reviewed the site plan and had no objection to the PUD provided that construction complied with relevant building code regulations and laws. (Exhibit 172.)

Advisory Neighborhood Commission Report

20. ANC 3C, by letter submitted February 6, 2009 and by testimony at the public hearing on April 23, 2009, indicated that at a regularly noticed and scheduled meeting on January 21, 2009, with a quorum present, the ANC approved a motion to approve the proposed PUD by a unanimous vote, 9-0. The ANC indicated that it had considered the PUD application over the course of two monthly meetings, including a December meeting devoted exclusively to public comment, as well as at two public forums sponsored by OP and DDOT. (Tr. Apr. 23, 2009 at 12.) In its report, the ANC stated that the Applicant had worked with community representatives, including ANC 3C, for over three years to solicit input and address concerns through multiple presentations, meetings, and conversations. The ANC found that the PUD carried out the purposes of the Zoning Regulations and would result in a well-planned development that exceeded what would be achievable under matter-of-right standards. The ANC also found that the character, scale, mix of uses, and design of the PUD were appropriate given the surrounding context, that the height and density would not impose adverse impacts, and that the mix and intensity of uses were appropriate given the site location. The ANC found that the Map Amendment, height, density, and other flexibility was acceptable given the level of benefits and amenities provided in the project. The ANC's recommendation included a series of conditions intended to address concerns raised by neighbors regarding loading, parking, retail space use, and other neighborhood impacts, which were detailed in its report. (Exhibit 69.)
21. By letter submitted April 21, 2009 and by testimony at the public hearing on April 23, 2009, ANC 3C indicated that it had passed a second resolution at a regularly noticed and

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scheduled public meeting on April 20, 2009, with a quorum present, in order to clarify that its initial resolution did not intend to permit the MW Overlay to limit the proposed PUD. (Exhibit 180.)

THE MERITS OF THE APPLICATION

Overview of the PUD Site

22. The Property consists of approximately 178,236 square feet of land area bounded by Wisconsin Avenue on the west, Idaho Avenue on the east, and adjacent property fronting Macomb Street to the south. Newark Street, N.W. runs east-west through the center of the site, dividing it into two parcels (the “North Parcel” and the “South Parcel”). Ground-floor retail space with second-story commercial uses above and a surface parking lot are located on the North Parcel. The North Parcel is located entirely in the MW/C-1 Zone District. The existing Giant supermarket, vacant retail space, and a large surface parking lot are located on the South Parcel. The South Parcel is located in the MW/C-1 and R-5-A Zone Districts, but the residentially-zoned portion of the South Parcel is used as the Giant’s commercial parking lot and has been used as such since the 1950s. In addition, the grocery store and other retail uses on the South Parcel have historically, since the 1950s, used the residentially zoned surface parking lot for commercial loading activities.
23. The Property is located within the boundaries of ANC 3C in Ward 3, between the McLean Gardens development to the northwest and the Cleveland Park neighborhood to the east. Further to the south and east are the Cathedral Heights, Massachusetts Avenue Heights, Woodland-Normanstone Terrace, and Woodley Park neighborhoods. Surrounding neighborhoods are characterized by a mixture of land uses, heights, and densities. Immediately to the south, fronting on Macomb Street, are a mixture of low-density commercial uses, a six-story apartment building, and low-density residential uses. Immediately to the northwest, across Idaho Avenue, are a police station, a five-story apartment building, and a nine-story residential building with ground-floor retail space. Immediately to the east, across Wisconsin Avenue, are a mixture of multi-story apartment buildings and low-density residential uses that vary from three to nine stories in height. (Tr. Feb. 19 at 54, Apr. 6, 2009 at 14-15.)
24. The Future Land Use Map designates the Property in the Low-Density Commercial and the Low-Density Residential land use categories. Surrounding properties are designated in a variety of categories, including Low-Density Residential and Low-Density Commercial to the south, Local Public Facilities and Mixed-Use Medium-Density Residential and Low-Density Commercial to the west, and Moderate- and Medium-Density Residential to the east.

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The PUD Project

25. The Applicant commissioned Street-Works LLC, an urban mixed-use developer and design consultant, to create a comprehensive plan for redeveloping the site. For over two years leading up to the filing of the Application, Street-Works developed and modified the project in response to community comments raised both at open public meetings and smaller forums with neighborhood representatives, including representatives of ANC 3C. (Exhibit 156 at 10.) Following the filing of the Application, the Applicant's team continued to meet with the community. (Id.) OP and DDOT also attended open community forums regarding the PUD. The Applicant also set up a website to keep the community up-to-date on development planning and solicit additional feedback.
26. The Project will replace the existing shopping center with a mixed-use development featuring a new grocery store and new residential and commercial uses. The Project consists of three components.
 - On the North Parcel, the Applicant will construct a new five-story building containing ground-level retail uses and approximately 124 residential units above.
 - On the South Parcel, the Applicant will construct the new grocery store, wrapped by a pair of two-story mixed-use buildings. Along Wisconsin Avenue, the Applicant will construct ground-floor retail space with a second story devoted to commercial "flex" space with neighborhood-oriented retail and office uses. Along Newark Street, the Applicant will construct ground-floor retail space with 14 residential units above.
 - Also on the South Parcel, along Idaho Avenue, the Applicant will construct eight three-story townhouses.
27. Construction of the Project will be phased, as detailed in Condition 15 of the Order.
28. The PUD will provide a total of approximately 535 parking spaces. A below-grade garage on the North Parcel will contain approximately 124 spaces, which will be reserved for use by the residents of the North Parcel. A below-grade garage on the South Parcel will contain approximately 395 parking spaces, which will be used primarily by customers and employees of the Project's commercial components, but will also be available as parking for the residents of the PUD and their visitors, as well as for limited use by the surrounding neighborhood for area commercial establishments and overnight parking. Both parking garages will be accessed from Newark Street. The eight townhouses on the South Parcel will each contain two dedicated parking spaces.
29. The Project will contain three areas for loading activity.
 - The North Parcel will contain a loading area located off Idaho Avenue with two loading berths.

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- The primary South Parcel loading area will be located off Idaho Avenue and will contain four loading berths to accommodate grocery deliveries. The loading entrance will be located approximately 140 feet from the southern property line, and the angled entrance of the loading area will require trucks to enter from and exit to the north on Idaho Avenue, away from the residential neighborhood to the south. The loading area was designed to permit trucks to pull in front-first and at grade, turn around on the Applicant's property, and back into an internal, completely enclosed loading berth.
 - The secondary South Parcel loading area will contain a loading berth for retail deliveries. This berth will be accessed off of Macomb Street via a 20-foot-wide public alley and will contain space to permit a truck to pull in front-first and then back into the loading area. On rebuttal, the Applicant agreed to construct a connection between the two loading areas on the South Parcel. (Tr. May 20, 2009 at 12-13.)
30. The Project includes a number of improvements to the streetscape. Specific features include the creation of public gathering spaces, the planting of street trees of significant size around both blocks, the location of storefronts along each commercial street edge, well-located parking garages and vertical circulation cores, and clear separation of the major loading functions for vehicular and pedestrian pathways.
31. The total gross floor area included in the PUD will be approximately 354,820 square feet. The building heights will vary: the North Parcel building will be approximately 61 feet, the South Parcel building will be approximately 37 feet, and the townhouses will be 40 to 43 feet high (measured from the curb to the top of roof). The Project will have an overall lot occupancy of approximately 69%. The total floor area ratio ("FAR") of the project, at 1.99, will be less than what is permitted under the proposed C-2-A and R-5-A zoning under the PUD guidelines (a maximum blended density of 2.72 FAR).

Zoning Map Amendment

32. The Property is located in the MW/C-1 and R-5-A Zone Districts.⁴ The maximum height allowed in the MW/C-1 zone district is 40 feet and three stories, and the maximum density is 1.0 FAR. The maximum height permitted in the R-5-A Zone District is 40 feet, and the maximum density is 0.9 FAR. The zones surrounding the Property permit a mix of development. Immediately to the south are properties located in the MW/C-1, R-5-B, and R-1-B Zone Districts. To the northwest across Idaho Avenue is a police station, which is also zoned R-5-A. Also immediately to the northwest across Idaho Avenue are a five-story office building and nine-story apartment building constructed under a PUD that rezoned the site to the C-2-B Zone District. To the east, across Wisconsin Avenue, are properties located in the R-5-A, R-5-B, and R-5-D Zone Districts.

⁴ Approximately 83,603 square feet of land area on the South Parcel is currently zoned MW/C-1, and approximately 53,493 square feet of land area is zoned R-5-A.

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33. The Applicant requested a PUD-related Zoning Map amendment for the North Parcel and a portion of the South Parcel to the C-2-A Zone District⁵ to permit the structures to reach the requested height and density. The maximum building height permitted in the C-2-A Zone District under the PUD guidelines is 65 feet, and the maximum density permitted is 3.0 FAR. The maximum height permitted in the R-5-A Zone District under the PUD guidelines is 60 feet, and the maximum density permitted is 1.0 FAR. The Applicant stated that it was necessary to rezone the Property to C-2-A to allow the construction of the Project and redevelop the neighborhood shopping center.
34. The Applicant's requested map amendment included a request to remove the MW Overlay for purposes of the PUD, so as to permit the mix of uses and densities needed for a vibrant urban neighborhood center. Under existing zoning, no additional eating establishments would likely be permitted within the boundaries of the Property, due to a limitation on the number of linear feet devoted to such establishments. Absent the map amendment, the PUD would not be permitted to devote ground-floor commercial space to additional restaurants, prepared food shops (including ice cream shops, coffee shops, and sandwich shops), and fast food establishments.

PUD Flexibility Sought

35. The Applicant requested approval to construct multiple buildings to a maximum height of approximately 61 feet and density of 1.99 FAR, which are within the PUD standards set forth in 11 DCMR § 2405, as well as a PUD-related Zoning Map amendment for the Property to the C-2-A Zone District. The Applicant also requested flexibility from the lot occupancy, roof structure, parking, loading, and lot control regulations, as well as special exception approval for rowhouses in the R-5-A Zone District, as detailed in the Applicant's written submissions and the OP Report.

Impact of Project

Traffic

36. The Project will not cause unacceptable traffic impacts, as demonstrated by the Applicant's traffic studies, the testimony presented by the Applicant's traffic consultant, and the DDOT reports and testimony discussed above.
37. The Applicant will implement and maintain a Transportation Management Plan ("TMP") under which the Applicant will provide initiatives, information, and incentives to promote the use of public transportation. (Exhibit 20.) The PUD Site features extensive public transportation access through the regional Metrobus system, which provides over 500 trips a day and connects the site to nearby Metrorail stations through downtown and crosstown

⁵ Approximately 111,720 square feet of the South Parcel will be zoned C-2-A, and approximately 25,388 square feet of land area will remain in the R-5-A Zone District.

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service. (Exhibit 236; Tr. May 4, 2009 (Applicant's Rebuttal).) The Applicant will also provide dedicated spaces for car-sharing services as well as bicycle parking spaces.

38. The Commission does not agree with WNNC that the Applicant's traffic studies were inconsistent with other traffic data and made misassumptions regarding use of public transportation and other alternative means of transportation. Applicant's traffic analyses, methodology, and conclusions, which were independently reviewed by DDOT. The Commission does not find the traffic data prepared by Roadway Data Systems ("RDS") and cited by WNNC to be credible, and notes that RDS did not produce a formal written analysis or provide a representative at the hearing to present its findings and defend them upon cross-examination.
39. As a result of these conclusions, the Commission does accept WNNC's view that the PUD Regulations and Comprehensive Plan required the Applicant to provide traffic calming measures as a part of the PUD. Rather, the Commission agrees with the conclusion of the Applicant and DDOT that traffic calming mitigation is not likely to be needed as a result of the PUD (Exhibit 20), but notes that the Applicant will provide an escrow account to pay for potential traffic calming measures, if needed.

Truck traffic and loading

40. The Project will not generate unacceptable impacts due to truck traffic or loading activity. The Applicant provided detailed testimony that the proposed number and location of berths will accommodate the anticipated truck traffic. The Applicant also proposed a Truck Management Plan, which will require the use of the loading facilities by requiring all deliveries and trash disposal services to occur within the loading dock facilities only. In addition, the Applicant will provide a loading dock coordinator to help facilitate deliveries and trash disposal services, and will direct all deliveries and trash disposal services to use a recommended truck circulation route. The Applicant will direct commercial tenants to comply with the Truck Management Plan through a lease provision or similar mechanism. The Commission credits the testimony of the Applicant's architectural and transportation experts that the location and design of the loading berths as well as the anticipated volume of truck activity will not be unacceptable.
41. In this regard, the Commission does not accept the opinion of PSI, an expert in the field of traffic engineering presented by the Idaho Neighbors. PSI conducted a peer review of the Applicant's traffic studies. (Exhibits 176, 207.) In its report and testimony, PSI primarily challenged the Applicant's truck generation rate and the ability of the proposed number of loading berths to accommodate truck deliveries, particularly the loading berth off Macomb Street. PSI offered a number of other observations regarding the use of Idaho Avenue for truck traffic and the impact of truck traffic on Idaho Avenue. PSI also challenged the Applicant's estimates for parking demand. PSI also observed a difference in one traffic link count on Newark Street, though the Applicant noted that the link count was conducted

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two blocks away from the Applicant's count location. (Exhibit 236.) The Idaho Neighbors filed supplemental comments regarding DDOT's analysis on May 4, 2009, maintaining that its estimate regarding truck deliveries to the secondary South Parcel loading area off Macomb Street, which was based on ITE data, was reasonable. (Exhibits 214, 246, 252.)

42. The Commission agrees with the Applicant that the data relied on by the Idaho Neighbors and their traffic expert to estimate the commercial parking demand is not credible, because it exceeds industry standards and fails to consider the particular circumstances that affect parking demand at the PUD site, including the likelihood of shared parking synergy and means of travel to the PUD site other than private passenger vehicle. (Exhibit 236.) Indeed, the PSI's estimate of 6.03 spaces per 1,000 square feet for retail parking demand and 7.97 spaces per 1,000 square feet for office parking are approximately double and five times the requirements for these uses respectively in the Zoning Regulations for the C-2-A Zone District.
43. The Idaho Neighbors, composed of residents who live on Idaho Avenue immediately southwest of the PUD Site, objected to the proposed scale and location of the grocery loading area on Idaho Avenue, and proposed relocating the loading area further to the northeast. (Exhibit 206.) The Idaho Neighbors also raised concerns regarding the impacts of the secondary loading area on the South Parcel located off Macomb Street. (Id.)
44. The Commission finds that the scale and location of the primary loading area for the grocery store, located on the South Parcel on Idaho Avenue, is not unacceptable. The proposed grocery loading dock will provide an improvement over existing conditions, because it will relocate loading activity from an open surface area to an enclosed series of berths and will separate truck traffic from other vehicular and pedestrian traffic.
 - a. The Commission credits the testimony of OP and finds that Idaho Avenue southwest of its intersection with Newark Street currently lacks a residential character notwithstanding its residential zoning designation, due to the existing commercial parking and loading activity on its east side and the police station on its west side. (Tr. Apr. 6, 2009 at 158-59.)
 - b. The Commission credits the Applicant's testimony that it is infeasible to locate the loading docks further to the north because of operational and physical constraints. On rebuttal, the Applicant's representative testified that the proposed entrance was located on Idaho Avenue for operational reasons: (1) loading for the grocery store needed to be located at the rear of the grocery store, (2) the introduction of a vehicular and pedestrian entrance from 38th Street required the loading to be located on the second level of the parking garage, and (3) the slope of the site would make it impossible for trucks to maneuver into the loading berth from a location further north on Idaho Avenue or on Newark Street. (Tr. May 20, 2009 at 14-18.) In addition, trucks would have difficulty navigating the Newark Street/Idaho Avenue intersection if the loading

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entrance were located further to the north, and would conflict with increased pedestrian activity along Newark Street. (Id; Tr. Apr. 6, 2009 at 202-03.)

- c. The Commission finds that the Applicant designed the dock in order to minimize its impacts through installation of a 20-foot sound wall, a berm and trees, which will provide visual and noise buffering. In response to community concerns, the Applicant modified the design by twice, moving the location of the entrance to this loading area further away from residential property to the south. (Exhibits 12, 46.) The Applicant also angled the loading entrance and proposed a truck routing plan that will prohibit its trucks from approaching the grocery loading area from the residential neighborhood to the south.
 - d. The Commission credits the testimony of the Applicant regarding the estimated number of trucks that will serve the grocery store at this location, based on data provided by Giant and available data at comparable urban grocery stores. (Exhibits 3, 20, 236.) The Commission notes that the data provided by PSI is consistent with this data.
 - e. The Commission credits the testimony of the Applicant and DDOT that Idaho Avenue can accommodate two-way traffic, including truck traffic, that such use of local streets for truck deliveries is not uncommon in an urban setting, and that the Applicant's proposed modification of the Wisconsin Avenue/Idaho Avenue intersection will adequately accommodate truck turn movements. (Exhibit 236; Tr. Apr. 6, 2009 at 207, 230.)
45. Based on the foregoing, the Commission finds that the proposed location of the grocery loading dock and entrance is not unacceptable. A separate discussion of the impact of noise generating from this activity is discussed under a separate heading.
46. The Commission finds that the secondary South Parcel loading area located off Macomb Street will not impose unacceptable impacts due to number of truck deliveries or other conditions.
- a. The Commission agrees with the Applicant and DDOT that the data relied on by the Idaho Neighbors and their traffic expert to estimate the number of trucks generated by the proposed South Parcel retail space is unreliable and fails to account for local conditions or business practices. (Exhibit 236.) Accordingly, the Commission finds that PSI's estimate of 68-83 truck deliveries a day for 32,155 square feet of ground floor retail space and 17,320 square feet of neighborhood office space is not credible.⁶

⁶ Under the Zoning Regulations, a requirement for a second loading berth and a delivery space is triggered by additional retail density between 30,000 and 100,000 square feet. Office space less than 20,000 square feet does not trigger a requirement for loading. The South Parcel will contain 32,155 square feet of retail space. The Commission finds that additional loading space is unnecessary to accommodate the additional 2,155 square feet of

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- b. The Commission credits the Applicant's estimates regarding truck deliveries, which were based on observations of current activity at the existing site and similar urban sites in the metropolitan area. The Commission also credits DDOT's evaluation and approval of these estimates.
- c. The Commission credits the testimony of the Applicant and DDOT that the 20-foot public alley is sufficient to accommodate truck traffic. (Tr. Apr. 6, 2009 at 121.)
- d. The Commission credits the Applicant's testimony that, in addition to the South Parcel retail berth, the loading area contains additional space for a second truck to pull in off the alley and wait; and nearby Macomb Street contains two designated curbside loading areas.

Accordingly, the Commission concludes that the PUD will not impose adverse impacts due to number of truck deliveries unloading activity off Macomb Street or elsewhere in the PUD.

Parking

- 47. PUD will not generate unacceptable impacts due to parking and the Commission rejects WNNC's contentions to the contrary.⁷ The Commission makes the following specific findings with regards to parking:
- 48. Residential Parking. The Project will provide one space per dwelling unit on the North Parcel, which is double the amount required under the Zoning Regulations and is consistent with the average auto ownership in the neighborhood. The Project will provide two spaces per unit for the townhouses and permit all residents of the South Parcel units to park in the South Parcel garage. Guests and visitors of the residents of the PUD will be permitted to park in the South Parcel garage. The ample residential parking will satisfy parking demand generated by the residential portion of the PUD, and will diminish the likelihood that PUD residents will compete for on-street parking spaces.
- 49. Commercial Parking. The Project will provide approximately 388 spaces for the commercial uses on the Property. The Applicant's traffic consultant testified that the amount of parking was consistent with both industry standards and parking ratios observed at existing stores in the Washington, DC urban area. (Exhibit 20, 236; Tr. May 4, 2009 at 266.) The Applicant's traffic consultant also testified that the Project would not reduce the

retail space, given the marginal increase above the 30,000 square foot threshold. Similarly, the Commission notes that the North Parcel will contain only 799 square feet of retail space above the 30,000 square foot trigger.

⁷ Specifically WNNC claimed that proposed PUD did not failed to provide adequate parking to accommodate the grocery store and other retail uses, including potential new restaurants within the PUD. Nor would the PUD accommodate parking generated by other uses in the area, including neighboring restaurants and a proposed residential development, which had been served by curbside parking that would be eliminated by the PUD.

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existing supply of on-street parking. (Id.; Tr. May 4, 2009 at 266-67.) The Applicant's architectural and traffic consultants, as well as DDOT, also testified that the location of parking for the North Parcel's retail uses in the South Parcel garage would be convenient and accessible (Id. at 267; Tr. May 20, 2009 at 10-11; Tr. Apr. 6, 2009 at 241), so that customers of the PUD would be more likely to park in the garage rather than compete for limited on-street parking spaces on neighborhood streets across Wisconsin Avenue. Accordingly, the amount and location of commercial parking will satisfy commercial parking demand generated by the commercial portion of the PUD and will not impose unacceptable impacts.

50. Shared Parking. The Applicant and DDOT both testified regarding the importance of "shared parking" within a mixed-use development to accommodate the different generators of parking demand within the PUD. (Tr. Apr. 6, 2009 at 106-07, 241.) The Commission agrees with the Applicant and DDOT that as a result of the mixed-use nature of the PUD, not all uses will generate peak demand at the same times. Peak demand for the grocery store and many of the neighborhood retail uses will occur during the daytime, while peak demand for residential visitors and restaurant patrons will occur during evening and nighttime hours. Accordingly, a strict cumulative assessment of parking demand is inappropriate, and would result in an oversupply of parking at the site.
51. Transit Use. The PUD Site is a transit-oriented site because of its location along a major multi-modal corridor that can reasonably expect substantial levels of travel by means other than private automobile, such as walking, public transportation, and bicycling. Many of the patrons of the PUD will likely walk to the site, and a significant number of trips will likely to occur by means other than private automobile, which will reduce the demand for parking at the site.
52. Neighborhood Parking Demand. The Applicant is not required to continue to provide parking for patrons of nearby restaurants, although the Applicant currently allows the use of its surface lot and will provide 30 "community parking spaces" as part of the PUD.
53. Representatives for the Ordway Neighbors raised concerns regarding competition for on-street curb parking on Ordway Street and car and truck traffic on Ordway Street, as well as general concerns regarding the scale, uses, and loading activity on the North Parcel. (Exhibits 222, 239.) The Ordway Neighbors proposed that mitigation of traffic impacts could be accomplished through prohibitions on bus and truck traffic on Ordway Street, installation of more permanent traffic control measures on Ordway Street at Idaho Avenue, and directional limitations for traffic moving northeast on Idaho Avenue. (Id.)
54. The Commission finds that the Applicant adequately addressed the Ordway Neighbors' concerns. On rebuttal, the Applicant demonstrated that provision of parking spaces for the North Parcel retail uses in the South Parcel parking garage will be a convenient and accessible location for patrons and employees. The Applicant demonstrated that the

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distance between the North Parcel retail uses and the South Parcel garage will be no greater than the distance to Ordway Street and that the South Parcel garage will offer a greater supply of parking than a driver might find by searching for a potential on-street space on Ordway Street. The Applicant and DDOT also indicated that truck and bus traffic would not be permitted to use Ordway Street. (Tr. Apr. 6, 2009 at 239-40.) Finally, the Applicant stated that it would construct permanent curb and gutter improvements on Ordway Street at Idaho Avenue to make the existing temporary traffic control measures permanent. In light of the foregoing, the Commission finds that further measures are not required to address the concerns of the Ordway Street neighbors.

Noise

55. The Project will not generate adverse impacts due to noise. The Commission accepts the conclusion of Applicant's noise expert submitted a detailed report that concluded noise from the PUD. As to the specific concerns raised concerning the noise generated by unloading activity, the Commission agrees with the analysis and methodology utilized by the Applicant's noise consultant, and finds that such noise will be substantially improved over existing conditions, and the that noise generated by truck maneuvering will be below ambient background levels.

Impact of uses

56. The proposed uses in the Project will not generate adverse impacts. The proposed amount and proportion of grocery and other retail uses are consistent with established definitions of neighborhood shopping centers. (Tr. May 20, 2009 at 19-20.) Furthermore, the proposed PUD will not significantly increase the total amount of commercial density on the site; rather, the PUD will primarily adjust the proportion of grocery store to other neighborhood retail. (Id at 29-21.) The Applicant requested flexibility to locate a limited number of restaurants, prepared food shops, and fast food establishments on the Property, which the Applicant stated was necessary to permit a mix of eating establishments typically found in a neighborhood shopping center. (Id. at 21-22.) The number of eating establishments and financial institutions will each be limited to 20% of the PUD's linear commercial frontage, reserving over half of the PUD's frontage for other neighborhood-serving uses.
57. The Commission also finds that the limited number of eating establishments permitted as part of the PUD will not impose unacceptable impacts due to traffic, parking, and loading, because these establishments will represent a small percentage of the overall uses within the PUD. The parking demand generated by the eating establishments on the PUD Site will be accommodated within the South Parcel Parking garage, particularly given that the peak demand for restaurants is likely to occur during the evening hours.

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Construction Activities

58. The representative for the Macomb Neighbors raised concerns regarding excavation, environmental and safety impacts of the proposed PUD on property to the south.
59. The District's Construction Code and environmental regulations are intended to control and mitigate the safety and environmental impacts of construction activity. The Commission cannot deny an application because a party thinks more stringent standards should apply.

PUBLIC BENEFITS PROFFERED

60. As detailed in Applicant's testimony and written submissions, the proposed PUD will provide the following project amenities and public benefits.
 - a. Housing and Affordable Housing. The Project will create new housing opportunities consistent with the Zoning Regulations and Comprehensive Plan as well as District planning policies. The Project will create approximately 138 multi-family units and eight townhouses, with approximately 16,480 square feet (10% of the residential gross floor area) set aside as affordable housing. Half of the affordable units will be set aside as low-income affordable housing, available to households earning less than 50% of the Area Median Income ("AMI"), and the other half of the affordable units will be set aside as moderate-income affordable housing, available to households earning less than 80% of the AMI.
 - b. Urban Design, Architecture, and Open Spaces. The urban design attributes of the Project will include the use of high-quality materials in a contextually appropriate design, and attention to all building facades (including side and rear elevations). The Project will also have urban design features intended to improve the pedestrian experience, including well-designed sidewalks with street trees, special paving features along Newark Street, inviting and active storefronts, and clear separation of vehicular and pedestrian pathways. The Project will provide a number of public spaces, including a tree-canopied public space on the north side of Newark Street, an enhanced pedestrian entrance to the Giant grocery store on the south side of Newark Street at its intersection with Wisconsin Avenue, and a public plaza at the intersection of Wisconsin Avenue and Idaho Avenue.
 - c. Site Planning, and Efficient and Economical Land Uses. The existing improvements at the PUD Site feature a suburban-style commercial center with large amounts of surface parking, outdoor loading activity, and multiple curb cuts that discourage pedestrian activity. Development of the Project will result in an attractive and well-planned pedestrian-oriented mixed-use development that will enhance the site and will represent an improvement over the existing underutilized and dated shopping center.

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- d. Efficient and Safe Vehicular and Pedestrian Access. The Project will replace existing surface parking and loading with separate underground parking and internal loading facilities, and will reduce the number of curb cuts on the Property from eight to five, which will enhance pedestrian safety, channel vehicular access, and separate truck traffic from pedestrian and vehicular traffic. The Applicant will adhere to detailed Transportation and Truck Management Plans to manage the movements of trucks and other vehicles and minimize vehicular-pedestrian conflicts.
- e. Uses of Special Value—Grocery Store and other Neighborhood Retail. The Applicant will provide a new 56,000-square-foot supermarket, which will provide an expanded and modernized grocery store for the immediate neighborhood. As evidenced by the testimony of many of those both in support of and in opposition to the Application, this represents a key amenity and benefit of the PUD. The Applicant will also provide approximately 80,000 square feet of new space for neighborhood-serving retail and commercial uses.
- f. Uses of Special Value—Parking Spaces. The Applicant will set aside at least 30 parking spaces in the South Parcel garage during off-peak hours for use by patrons of neighborhood restaurants and other retail uses. In addition, the Applicant will make available 30 spaces as overnight parking for community residents.
- g. Uses of Special Value—Other Public Benefits.
 - i. *Traffic Signal at Wisconsin and Idaho Streets.* The Applicant will contribute the full cost of traffic engineering and construction for the signalization of the intersection of Wisconsin Avenue and Idaho Avenue in order to create a safe, signalized crossing across Wisconsin Avenue.
 - ii. *Intersection Reconstruction.* The Applicant will contribute the full cost of construction of improvements to the Wisconsin Avenue and Idaho Avenue intersection as well as construction of permanent traffic control improvements at the intersection of Idaho Avenue and Ordway Street.
- h. Environmental Benefits. The Applicant will design and construct the PUD to achieve the equivalent of a Silver standard on the Leadership in Energy and Environmental Design (“LEED”)-Neighborhood Development (“ND”) system. In addition, the Applicant will design and construct the North Parcel building to achieve the equivalent of a Silver standard on the LEED for Homes (Midrise) system or its equivalent. As described in the Applicant’s written submissions, the grocery store will, in particular, incorporate energy-efficient sustainable features.
- i. Employment and Training Opportunities. In order to further the District’s policies relating to the creation of employment and training opportunities, the Applicant will

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participate in a First Source Agreement with the District of Columbia Department of Employment Services.

Compliance with PUD Standards

61. In evaluating a PUD application, the Commission must “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects.” (11 DCMR § 2403.8.) The Commission finds that the development incentives for the proposed height, density, flexibility, and related rezoning to C-2-A are appropriate and are fully justified by the superior benefits and amenities offered by this Project. The Commission finds that the Applicant has satisfied its burden of proof under the Zoning Regulations regarding the requested flexibility from the Zoning Regulations and satisfaction of the PUD standards and guidelines for the reasons set forth in the Applicant’s written rebuttal testimony. (Exhibit 257 at 12-17.)
62. The Commission credits the testimony of the Applicant and its architect and planning consultants, as well as OP and ANC 3C, and finds that the proposed neighborhood retail (including a grocery store), housing and affordable housing, commitment to sustainable design, streetscape improvements, below-grade loading and parking, neighborhood parking spaces, new traffic signal, intersection improvements, revenue for the District, First Source Employment Agreement, and superior architecture and design all constitute project amenities and public benefits. (Exhibit 257 at 16-17.)
63. The Commission finds that the Project is acceptable in all proffered categories of public benefits and project amenities, and is superior in public benefits and project amenities relating to urban design, landscaping and open space, housing and affordable housing, site planning, job training and employment opportunities, transportation measures, environmental benefits and uses of special value to the neighborhood and District as a whole. (Exhibit 257 at 16-17.)
64. The Commission disagrees with the opponents’ position that the proposed amenities are insufficient given the requested height, density, zoning, and flexibility. The Commission credits the testimony of the Applicant regarding the collaborative planning effort that guided the development of the Project, and finds that the planning process resulted in proffered amenities that reflect community preferences and priorities. The Commission credits the testimony of numerous organizations and persons in support, as well as OP and ANC 3C, that the PUD provides significant and sufficient public benefits and project amenities.
65. For this reason, the Commission will not consider the series of modifications to the Project proposed by WNNC to make the PUD “acceptable.” (Exhibit 225.) It is the burden of an applicant to demonstrate that the PUD meets the applicable standards. If an applicant

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succeeds, the PUD must be granted. If it fails, the PUD must be denied. In either case, the Commission may not unilaterally amend an application to cure a deficient application or make a good one better.

66. The Commission finds the Property is a suitable site for the proposed PUD and that the character, scale, mix of uses and design of the Project are appropriate, and finds that the site plan is consistent with the intent and purposes of the PUD process to encourage high quality developments that provide public benefits. Specifically, the Commission credits the testimony of the Applicant's architect and planning consultants that the superior site plan consisting of mixed-use development will create an active pedestrian-oriented environment along the Wisconsin Avenue corridor at one of its commercial nodes.
67. The Commission credits the testimony provided by the Applicant's architect regarding the height of surrounding buildings, and acknowledges the testimony of numerous organizations and persons that the building heights and scale in the proposed PUD are appropriate, including the planned five-story North Parcel building. The Commission finds that the Project's height and massing are appropriate given the existing and proposed building heights surrounding the Property, the surrounding land use and zoning designations, and the Property's location along the Wisconsin Avenue corridor.
68. The Commission finds that the proposed Map Amendment to the C-2-A Zone District is not inconsistent with the Comprehensive Plan or the character of the surrounding area. (Exhibit 257 at 14. The Commission notes that the C-2-A Zone District is noted as one that comports with the Low-Density Commercial designation on the Future Land Use Map. The proposed zoning is consistent with the Property's location at a neighborhood commercial center along Wisconsin Avenue, and is necessary to permit the mix and density of uses appropriate for transit- and pedestrian-oriented development at this strategic site. Further, the rezoning is part of a PUD application, which allows the Commission to review the design, site planning, and provision of public benefits and amenities against the requested zoning flexibility.
69. The Commission also finds that the removal of the MW Overlay designation for purposes of the PUD is not inconsistent with the Comprehensive Plan or the character of the surrounding area. (Exhibit 257 at 15-16.) The proposed PUD will further many of the objectives of the MW Overlay, including the promotion of neighborhood-serving retail and service uses, removal of curb cuts along Wisconsin Avenue, and limitations on financing and eating establishments. Moreover, the PUD public hearing process provided a thorough public review of the PUD. The Commission credits the testimony of the Applicant that the flexibility authorized in the PUD for greater height and linear footage than would be permitted for eating establishments under the MW Overlay is appropriate given the limited impact of the height and uses as well as the numerous benefits and amenities of the PUD. The authority of the Commission to amend the zoning map, as well as other issues

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regarding the impact of the MW Overlay on the proposed PUD, are addressed in the Conclusions of Law.

70. The Commission credits the testimony of OP that the Project will provide benefits and amenities of substantial value to the community and the District commensurate with the additional density and height sought through the PUD. Further, the Commission credits OP's testimony that the impact of the PUD on the level of services will not be unacceptable.
71. For the reasons detailed in this Order, the Commission credits the testimony of the Applicant's transportation consultant and finds that the traffic, parking, loading and other transportation impacts of the Project on the surrounding area are capable of being mitigated through the measures, including transportation and truck management plans proposed by the Applicant, and are acceptable given the quality of public benefits in the Project. The Commission was not persuaded by the parties in opposition that the traffic study did not provide a credible showing regarding the PUD's impact. The Commission notes that the PUD standards require a showing that the impacts of the PUD will either be favorable, capable of being mitigated, or offset by the PUD's public benefits. Further, the Commission credits the findings of the Applicant's traffic consultant that any impacts will be mitigated by the proposed TMP, traffic improvements, and truck management measures. The Commission notes that the Applicant has proffered an escrow account for traffic calming measures as a condition of the PUD, which will allow DDOT and ANC 3C to monitor the Project's actual traffic impacts and provide improvements, if necessary.
72. The Commission agrees with DDOT's conclusion that the Applicant has fully addressed traffic, parking, loading, and other transportation issues associated with the proposed development. The Commission credits DDOT's testimony, including its evaluation of issues raised by the parties in opposition, that the traffic impacts of the Project will be mitigated by specific measures, including the TMP, a new traffic signal and traffic signal optimization measures, intersection reconstruction, and a truck management plan. The Commission also credits DDOT's testimony that the proposed amount of parking will be sufficient to accommodate the anticipated parking demand generated by the PUD. The Commission concurs with DDOT that the provision of a traffic calming escrow account report will ensure that the Project's traffic impacts will be fully mitigated. The Commission also credits DDOT's testimony regarding the acceptability of the Applicant's proposed future mitigation measures, provided that the Applicant obtains final approval from DDOT for the new signal, necessary signal timing adjustments, and intersection reconstruction.
73. The Commission finds that the PUD's Truck Management Plan as well as all aspects of the Project's operation can be monitored and enforced by the District of Columbia based on a consideration of the facts and circumstances regarding any alleged violation.

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Not Inconsistent with the Comprehensive Plan

74. The Commission credits the testimony of the Applicant and OP regarding the Property's designations as Low-Density Commercial and Low-Density Residential on the Future Land Use Map of the Comprehensive Plan. The Framework Element lays out "interpretation guidelines" for the Future Land Use map, and many of these guidelines are reprinted on the map itself. The Interpretation Guidelines state that the Future Land Use Map is not a zoning map and does not specify allowable uses or dimensional standards. The Guidelines also indicate that the typical building heights and densities included in the land use category simply describe the "general character" of the area, and state that the "granting of density bonuses [through PUDs] may result in heights that exceed the typical ranges cited here." Finally, the Guidelines indicate that the Future Land Use map designations are not parcel-specific and should be interpreted in conjunction with the text of the Plan.
- a. The Comprehensive Plan describes the Low-Density Commercial category as primarily one- to three-story buildings, with retail, office, and service businesses as the predominant uses. The Plan does not require, however, that each block strictly correspond with the general description. (Tr. Apr. 23, 2009 at 260, 270, 274-75.) The Plan also specifically states that housing is explicitly permitted in the commercial land use categories, and permits height and density beyond the typical range of one to three stories through the use of the PUD process. (Tr. Apr. 23, 2009 at 260-61.) The Plan states that corresponding zone districts are C-1 and C-2-A. (Tr. Apr. 23, 2009 at 258, 268-9, 273.)
 - b. The Plan describes the Low-Density Residential category as neighborhoods with detached and semi-detached one-family housing units, and notes that "other zones may apply" in addition to the typical R-1 and R-2 Zone Districts.
 - c. The proposed C-2-A zoning of the PUD is not inconsistent with the 2006 Comprehensive Plan's Future Land Use Map designation, given the language in the Plan and description of the C-2-A Zone District in the Regulations as intended to serve "low and medium density residential areas".
75. The Commission credits the testimony of the Applicant and OP regarding the interpretation of the PUD's designation as a Neighborhood Commercial Center on the Generalized Policy Map. Neighborhood Commercial Centers are intended to meet the daily needs of residents and workers in adjacent neighborhoods, and include grocery stores, restaurants, and other basic retail and service establishments as typical uses.
76. The Commission does not agree with the parties in opposition that the absence of a mixed-use designation on the Future Land Use map precludes mixed-use development. The text of the Plan is clear that housing is permitted in all commercial areas, and that mixed-use striping is used only where the mixing of land uses is "strongly encouraged." Moreover, the Commission does not agree with the parties in opposition that the lack of a "mixed use"

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designation precludes a mixed-use commercial center. The Mixed-Use Main Street Corridor category was added in 2006 to supplement existing commercial categories (such as Neighborhood Commercial), with a new commercial category intended to identify pedestrian-oriented shopping districts. The Neighborhood Commercial Center continues to permit mixed-use, pedestrian-oriented development, but also permits larger-scale, auto-oriented commercial development.

77. The Commission finds that the PUD and Map Amendment are not inconsistent with the Comprehensive Plan's designation of the site in the Low-Density Commercial and Low-Density Residential land use categories or as a Neighborhood Commercial Center, based on the descriptions and interpretation of those categories in conjunction with the Project's compatibility with numerous elements, goals and policies of the Comprehensive Plan.
- a. The proposed five-story building on the North Parcel and two-story building on the South Parcel will not be inconsistent with the Low-Density Commercial Land Use category. The commercial area will continue to be primarily two- and three-story buildings.
 - b. The proposed townhouses and entrance to the grocery loading area will not be inconsistent with the Low-Density Residential designation of the western portion of the Property. The Guidelines state that the land-use designations are not "parcel-specific" and are intended to be interpreted broadly, in concert with text of the Plan. This portion of the Property, as well as the property across Idaho Avenue from the Property, is currently used for nonresidential purposes, as a commercial parking and loading area for the existing grocery store and as a police station. The proposed loading entrance will be consistent with the current use of the site, and the proposed townhouses will introduce residential uses consistent with the residential land use designation.
 - c. The proposed rezoning to C-2-A is not inconsistent with the Comprehensive Plan, which states that the C-2-A Zone District corresponds with the Low-Density Commercial land use category.
78. The Commission credits the testimony of the Applicant and OP that the PUD is not inconsistent with the Land Use Element of the Plan. The Land Use Element calls for denser development on commercially zoned properties along transit-oriented corridors as well as near Metrorail stations. The Land Use Element also includes specific policies for Neighborhood Commercial Centers that encourage the continued growth and expansion of these centers, particularly as pedestrian-oriented nodes of commercial development at key locations along major corridors. Finally, the Land Use Element notes that the height, mass, and scale of development at these nodes should be appropriate and compatible with surrounding areas and not unreasonably impact surrounding residential areas.
79. The Commission finds that the PUD is not inconsistent with the Land Use Element of the Comprehensive Plan. Given the PUD's location at a commercial center along Wisconsin

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Avenue, substantial levels of bus service along this stretch of Wisconsin Avenue, and extensive testimony regarding the need for growth of the center to meet the surrounding community's daily needs, the Property is appropriate for denser redevelopment as a pedestrian-oriented commercial node along the Wisconsin Avenue corridor. The Commission also finds that the PUD is compatible with the character of surrounding buildings, which include four- to nine-story residential buildings, a five-story office building, and a police station. Finally, for the reasons described throughout this Order, the Commission finds that the proposed Project will not unreasonably impact surrounding residential properties. The Commission notes again that the use of the PUD process permits the Commission to impose conditions that will accomplish this goal, which is a clear advantage over matter-of-right development.

80. The Commission credits the testimony of the Applicant and OP that the Project is also consistent with many of the Comprehensive Plan's major elements, including the Housing, Transportation, Urban Design, and Economic Development elements. The Commission also concurs that the PUD will not conflict with the policies of the Rock Creek West Area Element; in fact, the PUD will promote provisions that call for infill development of commercially zoned sites along Wisconsin Avenue. (Tr. Apr. 23, 2009 at 259, 260.) The Commission agrees with the Applicant that the PUD is not inconsistent with the other provisions of the Comprehensive Plan cited by the parties in opposition, for the reasons cited in the Applicant's rebuttal brief. (Exhibit 257 at 7-12.)
81. The Commission gives "great weight" to the issues and concerns raised by ANC 3C. The ANC commented favorably on the Application, including that the PUD will further the purposes of the Zoning Regulations and utilize the PUD process to provide a more efficient and attractive project than would be attainable under matter-of-right standards; that the Project's height and density will not be unacceptable given the height and density of surrounding buildings and the location of the PUD along a major multi-modal corridor; and that the proposed map amendment, height, density, and other flexibility are acceptable given the proffered amenities and benefits. The Commission applauds the ANC's effort to resolve the loading, traffic, parking, and other issues in the PUD, and agrees that many of the conditions proposed by ANC 3C are reasonable and appropriate.
82. The Commission was not persuaded by ANC 3C that there is a need for commercial parking on the North Parcel. The Commission credits the testimony of the Applicant and DDOT that the proposed amount of commercial parking provided by the PUD will be sufficient, and the location of the commercial parking on the South Parcel will be convenient and accessible. The Commission also disagrees with ANC 3C regarding the request to limit the ability of PUD residents to secure residential permit parking. The Commission credits the testimony of the Applicant that the proposed PUD will provide an ample amount of off-street residential parking given the type of units and location of the PUD.

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CONCLUSIONS OF LAW

Procedural Issues

Appropriateness of PUD Zoning Mechanism and PUD-related Rezoning

The Commission finds no merit in the claim that the Commission may not, as part of a PUD proceeding, grant a map amendment that would remove an overlay designation.

The Commission has the authority to rezone the Property to C-2-A and remove the MW Overlay for purposes of the PUD through a PUD-related amendment to the Zoning Map. The regulations that govern PUDs explicitly permit related map amendments, and do not distinguish overlay zones from base zone districts. Both types of zones are applied through a map amendment, and both types of zones may be removed through a map amendment. Nothing in the Regulations suggest that a PUD-related zoning map amendment somehow precludes rezonings into, or out of, overlay districts. The Commission has exercised its authority to remove a neighborhood commercial overlay district through a PUD-related map amendment. (*See* Z.C. Order No. 05-37; *cf.* Z.C. Order No. 06-11/06-12; 06-17; 06-27 (approving PUDs and related map amendments within the boundaries of an approved campus plan as valid exercises of the Commission's authority under the PUD Regulations).)

Furthermore, the proposed PUD-related map amendment does not threaten the integrity of the MW Overlay District, or circumvent the intent and purposes of the Zoning Regulations, because the Commission is able to evaluate the map amendment in the context of a specific development and condition its approval. In fact, the PUD process supplements and enhances the protections afforded by the MW Overlay: the consolidated PUD review process provides for detailed design review as well as review of the project's proposed height, density, and use, and offers substantial project amenities and public benefits in exchange for a higher overall height and density and design flexibility. As OP testified during the hearing, the MW Overlay will still exist on the Property, but is conditionally removed by the PUD only if the Applicant complies with the terms and conditions of the PUD Order. A PUD-related map amendment is a conditional change to existing zoning that does not begin until a PUD covenant is recorded, expires if the PUD is not built, and ends once the PUD use terminates.

All that § 2406.2 does is to provide that a, "PUD application may be filed in conjunction with a change in zoning for the property involved." The filing of a PUD application does not in any way limit the type of map amendment that may be filed. In essence, all that § 2406 does is to allow for an automatic consolidation of map amendment and PUD proceedings. Since even under the opposition's theory the Applicant could have still filed separate applications for the PUD and the map amendment, accepting the opposition's view would add nothing more than inefficiency and confusion to the PUD process.

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Authority of the Commission to Consider the PUD Application

Having determined to approve a PUD-related zoning map amendment that would result in the provisions of the WM Overlay no longer being applied to the property, the Commission need not consider whether the BZA should review the project under § 1308.3 of that Overlay. Nor was the Commission obliged to make such a referral before making its decision.

As with many other prerequisites to its authority to hear a PUD, such as minimum land area and the maximum amount of density and height that can be granted, the Commission analyzes a PUD application as if the map amendment had been granted. To have done otherwise here would have required the Applicant to present a project to the BZA that was not consistent with the matter-of-right standards of its existing zoning. The Applicant would be unlikely to seek variance relief because it could still participate in the PUD process after the BZA review. Thus, the BZA would be in the untenable position of reviewing plans that depended upon zoning relief that might never be granted.

Even if the provisions of the MW Overlay remained during the pendency of this case, the Commission still retains the authority to review the proposed development plan through the PUD process. The Commission has the authority to approve, in a PUD, any use that is permitted as a special exception and would otherwise require the approval of the BZA. (11 DCMR § 2407.5.) Approval of the BZA is not required for any use approved by the Commission under § 2405.7 and the Commission is not required to apply the special exception standards normally applied by the BZA. (11 DCMR § 2405.8.)

Based on the foregoing, the Commission grants the Applicant's request to dismiss the WNNC petition to refer the Application to the BZA.

Enforcement of a Private Agreement

The Cleveland Park Citizens Association ("CPCA") requested that the Commission withhold its decision on the PUD pending resolution of issues related to the 2002 agreement. CPCA's expert in the field of planning testified that the 2002 agreement is a private memorandum of understanding tied to a prior development plan for the site. The Commission's jurisdiction is limited to the powers enumerated in the Zoning Act, *see* D.C. Code § 6-641.01 *et seq.*, and it lacks the authority to enforce a private document among parties. (*Cf. Spring Valley Wesley Heights Citizens Ass'n v. D.C. Bd. Of Zoning Adjustment*, 644 A.2d 434, 436-37 (upholding BZA determination that it lacked authority to prohibit valid matter-of-right construction of law school, even if private agreement allegedly prohibited proposed law school location).) The Applicant, as the owner of the PUD Site, filed a valid application for a consolidated PUD and related Zoning Map amendment, and the Commission voted to consider the application under Chapters 24 and 30 of the Zoning Regulations. The Commission concludes that it is not necessary to postpone its decision on the PUD based on the 2002 agreement.

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The Merits of the Application

Compliance with PUD Regulations

The development of this PUD project will carry out the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a variety of building types with more efficient and attractive overall planning and design not achievable under matter-of-right development. The character, scale, mixture of uses and design of uses in the proposed PUD are appropriate, and the proposed development is compatible with the citywide and area plans of the District of Columbia as detailed below.

The Application meets the minimum area requirements of § 2401.1 and the contiguity requirements of § 2401.3 of the Zoning Regulations.

The PUD is within the applicable height and bulk standards of the Zoning Regulations. The proposed height and density will not cause an adverse effect on nearby properties, are consistent with the height and density of surrounding properties, and are appropriate given the location along a major commercial corridor. The mix of residential and retail uses is appropriate for the site, which is located at a neighborhood commercial node at the nexus of multiple residential neighborhoods and communities.

The impact of the proposed PUD on the surrounding area and upon the operation of city services and facilities will be acceptable. As demonstrated in the traffic studies submitted by the Applicant and the reports and testimony of DDOT, the Project will not cause adverse traffic impacts and the Property is well served by major arterial streets and numerous bus lines. Further, the Application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the Project will be mitigated.

The PUD Regulations permit the Commission to reduce or increase the amount of off-street parking spaces and loading facilities depending on the uses within the PUD and the location of the Project. The proposed increase in residential parking and decrease in commercial parking on the North Parcel are appropriate given the importance to the nearby community of providing adequate residential off-street parking and the ability to better accommodate and manage commercial demand in a shared facility on the South Parcel. The proposed reductions in the number and size of the loading berths on both the North and South Parcel are appropriate given the relatively small size of the retail space in each building as well as the Applicant's ability to manage residential and retail demand through shared use of the berths.

The Application seeks a PUD-related Zoning Map amendment to the C-2-A Zone District, and an increase in height and density as permitted under the PUD guidelines, with flexibility from the lot occupancy, roof structure, parking, loading, and lot control requirements, as well as approval of the townhouses planned for the South Parcel. The benefits and amenities provided by the Project, particularly the provision of housing and affordable housing, exemplary architecture, significant public open spaces and streetscape improvements, neighborhood parking spaces,

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below-grade parking and loading, grocery store and other neighborhood-serving retail, and sustainable design commitments, are reasonable for the development incentives proposed in this Application. The PUD and rezoning for the Property will promote orderly development of the Property in conformance with the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.

The Comprehensive Plan

Approval of the PUD and related change in zoning are not inconsistent with the Comprehensive Plan, including the designation of the Property as Low-Density Commercial and Low-Density Residential, based on the consistency of the proposed height, density, and rezoning to C-2-A with the land use category descriptions, guidelines for interpretation, surrounding land uses and heights, and other provisions of the Comprehensive Plan. The PUD and related rezoning are not inconsistent with the designation of the Property as a Neighborhood Commercial Center based on similar reasons.

The PUD is fully consistent with and fosters the goals and policies stated in the elements of the Comprehensive Plan, including:

- Land Use. The transit-oriented, mixed-use development will satisfy District goals for development on commercial nodes along major corridors with compatible mixes of uses, appropriate densities, good pedestrian and vehicular circulation, appropriate combinations of public and private action, and the promotion of appropriate commercial development, to serve the economic needs of the District and its neighborhoods.
- Housing. Through the construction of approximately 138 multi-family units and eight townhouse units, as well as the proposal to set aside 10% of the residential gross floor area as affordable housing, the Project will provide new housing to meet various levels of need and demand.
- Transportation: The proposed mixed-use, pedestrian-oriented development will be strategically located on a major transportation corridor and capitalize on investment in public transportation along that corridor.
- Urban Design. The Project's significant retail component and streetscape improvements at a neighborhood commercial center will provide a functionally active commercial center within the District, create active use during both the day and evening hours, and create aesthetically pleasing physical concentrations of activity and development.
- Economic Development. The PUD will promote the development of a new grocery store and other neighborhood shopping and local-serving office space to better serve the needs of the surrounding community.

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Finally, the Project is consistent with the objectives of the Rock Creek Area Element, including multiple provisions that call for compatible infill development of additional housing with retail and office space on underutilized commercial sites along Wisconsin Avenue.

ANC “Great Weight”

The Commission is required under D.C. Code § 1-308.10(d) (2001) to give “great weight” to the issues and concerns raised in the report of the affected ANC. The Commission has considered the position of ANC 3C and accords it the great weight to which it is entitled. The Commission concurs with ANC 3C that the PUD will provide a more efficient and attractive project than would be attainable under matter-of-right standards. The Commission also concurs with ANC 3C that the Project’s height and density are not unacceptable based on the site location and surrounding context. The Commission also concurs with ANC 3C that the proposed map amendment, height, density, and other flexibility are acceptable given the proffered amenities and benefits.

As set forth above in the Findings of Fact, the Commission finds the majority of the conditions proposed in the ANC Resolution are persuasive and that the Applicant has complied with those conditions. The Commission disagrees with ANC 3C; however, regarding the need for additional commercial parking on the North Parcel. The Commission is not persuaded that additional commercial parking is needed on the North Parcel because the commercial parking on the South Parcel will be sufficient, and will be convenient and accessible for patrons of the North Parcel retail. The Commission also disagrees with ANC 3C regarding the request to limit the ability of PUD residents to secure residential permit parking. The proposed PUD will provide an ample amount of off-street residential parking given the type of units and location of the PUD.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders APPROVAL of an application for consolidated review and approval of a planned unit development (“PUD”) and related Zoning Map Amendment for property consisting of Square 1920, Lot 831 and Square 1920-N, Lots 1 and 2 (the “Property”). This approval is subject to the following guidelines, conditions, and standards:

1. This PUD shall be developed in accordance with the plans prepared by Street-Works, LLC marked as Exhibit 20 in the record and modified by Exhibits 46, 156, 164, and 256, as modified by guidelines, conditions, and standards herein.
2. The Property shall be rezoned from MW/C-1 and R-5-A to C-2-A as shown on Tab B of Exhibit 3.

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3. The Applicant⁸ is permitted to construct townhouses on the remaining R-5-A portion of the Property and is also permitted to use the R-5-A portion of the Property for commercial access to the primary South Parcel loading facility as shown on Exhibit 20 of the record and modified by Exhibits 46, 156, 164, and 256.
4. The Applicant shall have flexibility from the lot occupancy, roof structure, parking, loading, and theoretical lot provisions of the Zoning Regulations, as shown on the plans marked as Exhibits 20, 46, 156, 164, and 256.
5. The Property shall be used for residential, commercial, and commercial parking uses, as shown on the plans marked as Exhibits 20 and 156 of the record, provided:
 - a. No more than 20% of the ground-level gross floor area along Wisconsin Avenue and Newark Street shall be devoted to banks, loan offices, other financial institutions, and tax preparation establishments; and
 - b. Restaurants, prepared food shops, and fast food establishments are permitted, but shall occupy no more than 20% of the commercial linear street frontage within the PUD site.
6. The Applicant shall set aside approximately 10% of the residential gross floor area as affordable housing, with 50% of the units set aside for low-income households and 50% set aside for moderate-income households, exclusive of the townhouses planned on the Idaho Avenue property line. The affordable housing units shall be distributed as generally shown on the plans marked A104-A105 in Exhibit 20 of the record.
7. The Applicant shall design the project as a whole to achieve the equivalent of a Silver rating under the LEED for Neighborhood Development (LEED-ND) rating system. The Applicant shall design the North Parcel residential component to achieve the equivalent of a Silver rating under the LEED for Homes Mid-Rise rating system.
8. The Project shall include commercial parking facilities as shown on the plans referenced above; provided:
 - a. The Applicant shall permit use of the South Parcel garage by residents of the PUD and their guests;
 - b. The Project shall make at least 30 spaces in the South Parcel garage available during off-peak hours for users of existing neighborhood restaurants and overnight parking for the surrounding community; and

⁸ Compliance with these conditions run with the land and is therefore the obligation of any person or entity who owns all or part of the PUD site for so long as they remain owner.

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- c. The Applicant may restrict the use of the North Parcel garage for private use by residents and guests of the Project.
- 9. The Project shall provide off-street loading consistent with the approved plans. The Applicant shall abide by the Truck Management Plan included in Exhibit 20 of the Record; provided
 - a. No loading activity shall be permitted between 9:00 PM and 7:00 AM; and
 - b. Commercial tenants shall be required to abide by the terms of the Truck Management Plan through a lease provision or similar mechanism.
- 10. The Applicant shall comply with the Transportation Management Plan included in Exhibit 20 in the Record.
- 11. Prior to the issuance of a base building permit, the Applicant shall undertake the following actions:
 - a. Contribute 100% of the traffic engineering and construction costs of the signalization of the intersection of Wisconsin Avenue and Idaho Avenue;
 - b. Contribute 100% of the construction costs to install curb and gutter improvements that make permanent existing temporary traffic control measures at Ordway Street and Idaho Avenue; and
 - c. Place \$100,000 into an escrow fund to provide for unanticipated traffic calming measures caused by impacts from the PUD in accordance with terms and conditions acceptable to DDOT.
- 12. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structures;
 - b. To vary final selection of the exterior materials within the color ranges and materials types as proposed based on availability at the time of construction;
 - c. To make minor refinements to exterior details and dimensions, including balcony enclosures, belts, courses, sills, bases, cornices, railings, and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit;

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- d. To vary the exact location of the affordable units, as shown on the plans, provided they are located on the same floor as shown on the plans;
 - e. To vary the size and location of retail entrances to accommodate the needs of specific retail tenants and storefront design; and
 - f. To make alterations to the design of the underground parking garages and the townhouse parking spaces, provided that the North Parcel parking garage contains approximately 124 spaces, the South Parcel garage contains approximately 395 spaces, and the townhouses contain approximately 16 spaces, which requirement may be satisfied with any combination of compact and full-sized spaces.
13. The Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services.
14. No building permit shall be issued for this PUD until the Applicant has recorded a covenant among the land records of the District of Columbia between the owners and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct on or use the Property in accordance with this Order and any amendment thereof by the Zoning Commission.
15. The PUD approved by the Commission shall be valid for a period of two (2) years from the effective date of this Order. Within such time, an application must be filed for building permit for Phase 1 (defined below) as specified in 11 DCMR § 2409.1. The Applicant shall have the flexibility to construct the Project in two phases.
- a. Phase 1 shall consist of the South Parcel improvements. Within three (3) years of the receipt of a certificate of occupancy for the grocery store, the Applicant shall file for a building permit for the Phase 2 improvements (defined below);
 - b. Phase 2 shall consist of the North Parcel improvements; and
 - c. The Applicant shall have flexibility to construct the South Parcel townhouses during Phase 1 or Phase 2.
16. The Applicant shall also fulfill any other commitment or promise it made as referenced in the findings of facts above, even if not specifically stated in one of the above conditions.
17. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01, et seq. (Act). The District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex,

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age, marital status, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On June 8, 2009, upon motion of Chairman Hood, as seconded by Vice Chairman Keating, the Zoning Commission APPROVED this Application at its public meeting by a vote of 4-0-1 (Anthony J. Hood, William W. Keating, III, Peter G. May, and Michael G. Turnbull to approve; Konrad Schlater, not having participated, not voting).

On July 13, 2009, upon Motion of Chairman Hood, as seconded by Vice Chairman Keating, the Zoning Commission ADOPTED this Order at its public meeting by a vote of 4-0-1 (Anthony J. Hood and William W. Keating, III to adopt; Peter G. May and Michael G. Turnbull to adopt by absentee ballot; Konrad Schlater, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on August 14, 2009.

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

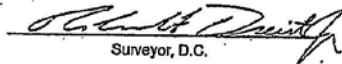
Washington, D.C., March 7, 2008

Plat for Building Permit of SQUARE N-1920 LOTS 1 & 2

Scale: 1 Inch = 40 feet Recorded in Book 141 Page 23

Receipt No. 02950

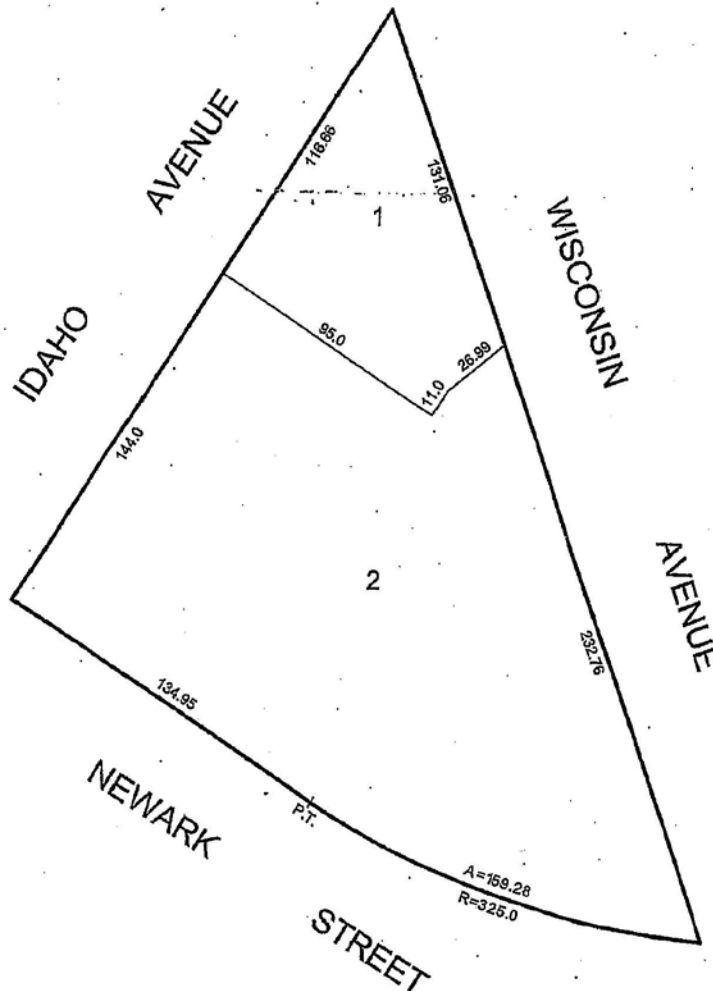
Furnished to: PWSP


Surveyor, D.C.By: D.M. 

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



SO-02950(2008)

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DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)

TITLE	SUBJECT	PRICE
1	DCMR MAYOR AND EXECUTIVE AGENCIES (JUNE 2001)	\$16.00
3	DCMR ELECTIONS & ETHICS (MARCH 2007)	\$20.00
4	DCMR HUMAN RIGHTS (MARCH 1995)	\$13.00
5	DCMR BOARD OF EDUCATION (DECEMBER 2002)	\$26.00
6A	DCMR POLICE PERSONNEL (JUNE 2007)	\$8.00
7	DCMR EMPLOYMENT BENEFITS (JANUARY 1986)	\$8.00
8	DCMR UNIVERSITY OF THE DISTRICT OF COLUMBIA (JUNE 1988)	\$8.00
9	DCMR TAXATION & ASSESSMENTS (APRIL 1998)	\$20.00
10	DCMR DISTRICT'S COMPREHENSIVE PLAN (PART 1, OCTOBER 2007)	\$70.00
	+ \$10.00 for postage	
10	DCMR PLANNING & DEVELOPMENT (PART 2, MARCH 1994) w/1996 SUPPLEMENT*	\$26.00
11	DCMR ZONING (FEBRUARY 2003)	\$35.00
12	DCMR 2008 CONSTRUCTION CODES SUPPLEMENT (pub. JANUARY 2009)	\$25.00
13B	DCMR BOILER & PRESSURE VESSEL CODE (MAY 1984)	\$7.00
14	DCMR HOUSING (DECEMBER 2004)	\$25.00
15	DCMR PUBLIC UTILITIES & CABLE TELEVISION (JUNE 1998)	\$20.00
16	DCMR CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS (JULY 1998)	\$20.00
17	DCMR BUSINESS, OCCUPATIONS & PROFESSIONS (MAY 1990)	\$26.00
18	DCMR VEHICLES & TRAFFIC (APRIL 1995) w/1997 SUPPLEMENT*	\$26.00
19	DCMR AMUSEMENTS, PARKS & RECREATION (JUNE 2001)	\$26.00
20	DCMR ENVIRONMENT - CHAPTERS 1-39 (FEBRUARY 1997)	\$20.00
20	DCMR ENVIRONMENT - CHAPTERS 40-70 (FEBRUARY 1997)	\$26.00
21	DCMR WATER & SANITATION (FEBRUARY 1998)	\$20.00
22	DCMR PUBLIC HEALTH & MEDICINE (AUGUST 1986)	\$26.00
22	DCMR HEALTH CARE & COMMUNITY RESIDENCE FACILITIES SUPPLEMENT (AUGUST 1986 - FEBRUARY 1995)	\$13.00
23	DCMR ALCOHOLIC BEVERAGES (JANUARY 2009)	\$10.00
24	DCMR PUBLIC SPACE & SAFETY (DECEMBER 1996)	\$20.00
25	DCMR FOOD AND FOOD OPERATIONS (AUGUST 2003)	\$20.00
26	DCMR INSURANCE (FEBRUARY 1985)	\$9.00
27	DCMR CONTRACTS AND PROCUREMENT (JULY 1988)	\$22.00
28	DCMR CORRECTIONS, COURTS & CRIMINAL JUSTICE (AUGUST 2004)	\$10.00
29	DCMR PUBLIC WELFARE (MAY 1987)	\$8.00
30	DCMR LOTTERY AND CHARITABLE GAMES (MARCH 1997)	\$20.00
31	DCMR TAXICABS & PUBLIC VEHICLES FOR HIRE (JULY 2004)	\$16.00

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1997 - 1998 Indices.....	\$52.00 + \$10.00 postage
Complete Set of <i>D.C. Municipal Regulations</i>	\$665.00
D.C. Register (Single Copy)	\$16.00
Rulemaking Handbook & Publications Style Manual (1983).....	\$5.00
D.C. Comprehensive Plan Maps	\$5.00
D.C. Comprehensive Plan CDs	\$10.00
*Supplements to D.C. Municipal Regulations.....	\$5.00

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